

**CM-21758-CWP-2023 in/and  
CWP-29229-2022                      2024:PHHC:001678                      1  
IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(104) CM-21758-CWP-2023 in/and  
CWP-29229-2022  
Date of Decision : January 09, 2024

**Vinod Kumar** .. Petitioner

## Versus

**State of Haryana and others .. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

**CM-21758-CWP-2023**

Present application has been filed for recalling the order dated 13.12.2023, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 13.12.2023 is recalled and the writ petition is restored to its original number and status.

**CWP-29229-2022**

1. In the present writ petition, the grievance of the petitioner is that once the petitioner was already punished qua the same offence by the

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Deputy Commissioner, Sirsa while passing an order dated 28.05.2013

(Annexure P-1), no recovery of amount could have been imposed upon the petitioner vide impugned order dated 07.12.2022 (Annexure P-6).

2. After arguing for some time, learned counsel for the petitioner submits that as the impugned order has been passed by a Sub Divisional Officer, which is an authority lower than the Deputy Commissioner, the petitioner intends to approach the higher authorities for the redressal of his grievance qua the said order.

3. Learned counsel for the respondents raises no objection for the grant of said prayer.

4. Learned counsel for the petitioner submits that as there was an interim order passed in favour of the petitioner in the present petition, till the time the petitioner approaches the higher authorities, the respondents be directed not to make any recovery.

5. Keeping in view the facts and circumstances of the present case, the interim order passed by this Court qua the staying of the operation of the impugned order, the same will continue to operate for a period of four weeks from today. It is made clear that this Court is not passing any order on merits and in case the petitioner approaches the higher authorities, the said authority will pass appropriate order as it deems fit including as to whether any interim order is to be passed in favour of the petitioner.

6. The present writ petition is disposed of in above terms.

**January 09, 2024**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No