128 IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CWP-26168-2025
Decided on:04.09.2025

Bhagmal .... Petitioner

versus

State of Haryana and others .... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.P.Laler, Advocate for
Mr. Shubham Saroha, Advocate
for the petitioner.

****

Sandeep Moudgil, J. (Oral)

1. The petitioner, through the present writ petition under Articles 226/227 of the Constitution of India, sought quashing of the charge-sheet dated 17.07.2015(Annexure P-1), the inquiry report dated 06.07.2016, as well as the order dated 31.03.2021 (Annexure P-8) passed by the Financial Commissioner, Revenue and Additional Chief Secretary to Government of Haryana, whereby the appeal preferred by the petitioner was dismissed as time-barred.

2. The grievance of the petitioner is that the said order is cryptic and non-speaking, having been passed without consideration of the merits of the matter, and merely records that the appeal was barred by limitation.

3. Notice of motion.

4. Mr. Sushil Bhardwaj, Addl. AG, Haryana accepts notice on behalf of respondents and accordingly, service of respondents No.1 to 3 is waived off.

5. Having examined the impugned order dated 31.03.2021, this Court is of the opinion that the matter required adjudication on merits rather

than being rejected on mere technicalities. The order passed by the Financial Commissioner, Revenue and Additional Chief Secretary, which has been issued under the signatures of the Superintendent, is wholly unsustainable in law, inasmuch as judicial or quasi-judicial orders are required to reflect due application of mind by the competent authority itself and cannot be issued in such cryptic fashion.

6. It is also the positive case of the petitioner that the appeal/ representation had in fact been filed on 04.08.2017 against the order dated 16.05.2017, which was well within the stipulated period prescribed under the Limitation Act. On the contrary, the quasi-judicial authority recorded that the appeal was filed only on 01.02.2021, which factual aspect has been disputed by the petitioner before this Court. This controversy could not have been brushed aside without adjudication on merits.

7. In view of the above, the order dated 31.03.2021 (Annexure P-8) is hereby set aside. The Financial Commissioner, Revenue and Additional Chief Secretary to Government of Haryana, Revenue and Disaster Management Department, is directed to reconsider the appeal/representation of the petitioner afresh, after affording him an opportunity of hearing, and to pass a detailed and reasoned order on merits within a period of six months from the date of receipt of a certified copy of this order.

8. Accordingly, the writ petition is disposed of.

04.09.2025 **(SANDEEP MOUDGIL)**
sonia **JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No