

No. 62/22/98-6 GSI

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments, Commissioners
Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners and Sub Divisional Officers
(Civil) in Haryana.
3. The Registrar,
Punjab and Haryana High Court,
Chandigarh.

Dated Chandigarh, the 5th May, 1993,

Subject :— Civil Writ Petition No. 19091 of 1996-Sarup Singh Vs. State of Haryana.

Sir,

I am directed to address you on the subject mentioned above and bring to your notice that Hon'ble Punjab and Haryana High Court in C.W.P. No. 19091/96-Sarup Singh Vs. State of Haryana has passed the following orders on 3-9-97, the operative part of which is reproduced as under :—

“Thus, we are of the opinion that the impugned order, dated 20-4-95, was passed by respondent No. 1 behind the back of the petitioner and without affording him any opportunity of being heard. In any case, as has been discussed above, we are of the view that order of the Joint Secretary (Reh.) cum-Settlement Commissioner, Haryana dated 20-4-95, is illegal, erroneous, arbitrary, non speaking and against the provisions of Law. He has even abdicated his duty enjoined upon him by law and the State Rules to decide the case without any external approach or influence, but he has not even set aside the auction confirmed in favour of the petitioner and straightaway ordered re-auction on the basis of some observations of the Chief Minister which have not been produced in the order at-all. The order has, thus, been, passed on extraneous considerations.

We, thus, set aside the order dated 20-4-95, Annexure P-2, and restore the order passed by the Additional Settlement Officer, (Sales) respondent No. 2.

We are sorry to note that a poor harijan, who was the highest bidder and in whose name the sale was confirmed in the year 1993, was only told in the year 1996 that re-auction will take place of the land in dispute and that also without any valid reasons.

Resultantly, this writ petition is allowed with costs which are quantified as Rs. 5000/-. The State Government is, however, at liberty to recover the costs from the erring officer, if so advised.

We are constrained to note down that the conduct of the officer who passed the impugned order is not appreciable. He was expected to do his duty in accordance with the rules and the Law. He was not required to pass a quasi judicial order only on the whims and caprice of a Chief Minister who was not any authority under the rules or under any other law to influence his orders.

A copy of this order be sent to the Chief Secretary to Government of Haryana for circulation amongst the concerned officers that while deciding cases as quasi judicial authorities under the act or the rules they should not exhibit such a naked influence of an outside authority".

Accordingly, I am to request that the above mentioned directions of the Hon'ble Court are strictly adhered to while passing orders in quasi judicial cases and may be brought to the notice of all concerned for strict compliance in future.

Yours faithfully,

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners/Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Joint Secretaries General Administration,
for Chief Secretaries to Government, Haryana.

To

All the Financial Commissioners/
Commissioners and Secretaries to
Government, Haryana.