

SUPREME COURT OF INDIA

Shyam Lal Suresh Kumar

Vs.

State of Haryana

C.A.No.4888 of 2007

(Tarun Chatterjee and Dalveer Bhandari JJ.)

12.10.2007

JUDGMENT

TARUN CHATTERJEE, J.

1. Leave granted.

2. This appeal is directed against the order dated 23rd of February, 2006, passed by a division bench of the High Court of Punjab and Haryana at Chandigarh in CWP No. 10407 of 2005. The impugned order runs as under:

We have heard the learned Counsel for the petitioner. The appeal was filed by the petitioner after a delay of five years and the writ petition has also been filed belatedly. The story put-forward by the petitioner that the order had not been conveyed to him etc. is clearly unbelievable. Dismissed.

3. On a careful reading of the impugned order, we find that the High Court while rejecting the writ petition had not applied its mind and also had not passed a speaking and reasoned order. That being the position, the impugned order is set aside and the appeal is remitted back to the High Court for fresh disposal for passing a speaking and reasoned order after giving hearing to the parties in accordance with law. The High Court is requested to decide the appeal now remitted to it within three months from the date of supply of a copy of this order to it. The appeal is, therefore, allowed to the extent indicated above. There will be no order as to costs.