

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP No.12391 -2022****Date of decision: 15.09.2025****Sh. Hargyan Khyalia and others****.... Petitioners****Vs.****State of Haryana and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**Present: Mr. R.K. Doon, Advocate,
for the petitioners.

Mr. Bhupender Singh, Addl. A.G. Haryana.

Mr. Jagbir Malik, Advocate,
for respondent No.3.Mr. Anupam Singla, Advocate,
for respondent No.4.**KULDEEP TIWARI, J (Oral)**

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 05.04.2022 (Annexure P-1) and inquiry order dated 31.01.2022 (Annexure P-2), passed by respondents no.3 and 4, respectively.

2. At the outset, learned counsel for the respondents submits that the impugned orders, in fact, are appealable. He further submits that some of the contractors have preferred an appeal which is pending before the Appellate Court, in which a stay is operating in their favour. He further submits that they have no objection if the petitioners are relegated to the Appellate Authority concerned, at the first instance.

3. Learned counsel for the petitioners submits that he may be permitted to approach the Appellate Authority for filing a statutory appeal and to assail the validity of the impugned order. However, he submits that, now, delay would come in his way.

4. This Court considered the submissions made by the learned counsel for the parties, and of the view that the instant petition can be



disposed for with a mandamus upon the Appellate Authority concerned that, in case the petitioner prefers a statutory appeal, within a period of four weeks from the date of passing of this Court, along with the application for condonation of delay, the authority concerned, shall decide the same considering the fact that the petitioner approached this Court and filed the instant petition way back on 30.05.2022, which remained pending till date, and also consider the other mitigating circumstances sympathetically, before taking any decision on such application.

5. **Disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

15.09.2025
deepak

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