

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.W.P. No. 837 of 2015
Date of Decision: January 19, 2015

Birmati

... Petitioner

Versus

State of Haryana and another.

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Balraj Singh Rathee, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.1 to decide the appeal along with stay application expeditiously.

Notice of motion.

On the asking of the Court, Mr. Sandeep S. Mann, Senior Deputy Advocate General, Haryana accepts notice on behalf of the respondents.

Petitioner – Birmati is Sarpanch of Village Dodhpur, Block Samalkha, District Panipat. Respondent no.2 - Deputy Commissioner, Panipat issued a show cause notice dated 04.11.2014 (Annexure P/1) to

the petitioner alleging that she had kept the cash in hand from time to time more than the limit. The petitioner filed her reply dated 19.12.2014 (Annexure P/2). As per preliminary enquiry, she has been placed under suspension vide order dated 09.01.2015 (Annexure P/3). The petitioner has filed an appeal before the Financial Commissioner-cum-Principal Secretary, Panchayat and Rural Development, Haryana, along with an application for stay (Annexure P/5 (Colly)), which was heard on 14.01.2015. The Financial Commissioner has issued notice and the case was adjourned to 03.03.2015 without passing any order on the stay application. However, the records of the case have been requisitioned.

The only grievance of the petitioner is that respondent no.2 has passed an order dated 09.01.2015 (Annexure P/4) with regard to take charge of Sarpanch from the petitioner whereas the petitioner has filed an appeal before the Financial Commissioner and her stay application is pending consideration.

In similar circumstances, this Court in the case of **Smt. Bharpai Sarpanch vs. State of Haryana and another, CWP No. 13457 of 2013, decided on 21.06.2013** (Annexure P/6), disposed of the writ petition by ordering that status quo shall be maintained with regard to the charge of the post of Sarpanch till the decision of the prayer of the petitioner for stay made in the appeal.

In view of above, instant writ petition is disposed of with a

direction that the parties shall maintain status quo with regard to the charge of the post of Sarpanch of Village Dodhpur, Block Samalkha, District Panipat till the decision of the application for stay (Annexure P-5 (Colly)), by respondent no.1 - Financial Commissioner-cum-Principal Secretary, Panchayat and Rural Development, Haryana.

January 19, 2015
vkd

[Paramjeet Singh]
Judge