

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

**Civil Writ Petition No. 24856 of 2016
Date of Decision: 1.12.2016**

Rajbir @ Geja

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Narender Singh Gill, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Learned counsel for the petitioner submits that against the order dated 28.10.2016, petitioner has filed his statutory appeal before respondent No.1 on 8.11.2016, which came up for hearing on 16.11.2016. Counsel for the opposite party also appeared but no interim order was passed and the next date of hearing was fixed on 29.11.2016. Again on 29.11.2016, no order was passed and in the meantime, respondent No.3 issued communication dated 25.11.2016 (Annexure P-2), for appointment of casual Sarpanch. He further submits that petitioner shall be satisfied in case

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respondent No.1 is directed to consider and decide the appeal of the petitioner filed vide Annexure P-1 at an early date or at least the stay matter may be directed to be decided and till then, suspension order dated 28.10.2016 may be ordered to be kept in abeyance.

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of with a direction to the Financial Commissioner and Principal Secretary, Department of Development and Panchayats-respondent No.1 to look into the matter, consider the statutory appeal filed by the petitioner vide Annexure P-1 and decide the same at an early date, by passing an appropriate order, strictly in accordance with law.

However, keeping in view the peculiar facts and circumstances of the case noticed hereinabove, it is directed that till an appropriate order is passed by the Financial Commissioner on the statutory appeal of the petitioner, suspension order dated 28.10.2016 as well as order dated 25.11.2016 (Annexure P-2) passed by the Block Development and Panchayat Officer, Barwala, District Hisar-respondent No.3 shall be kept in abeyance.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

1.12.2016
Ak Sharma

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