

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25769 of 2016
Date of decision: 13.12.2016

Krishna Devi

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.B. Bhushan, 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 present 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 although the petitioner has already filed the statutory appeal dated 17.10.2016 (Annexure P-2) against the removal of the petitioner from the post of Sarpanch, yet the said statutory appeal is not being decided by learned appellate authority nor even the stay application has been taken up and decided, thereby causing serious prejudice to the petitioner. He further submits that petitioner will be satisfied in case respondent No.1 is directed to consider and decide the statutory appeal of the petitioner at an early date by passing an appropriate order and till then, removal order as well as communication dated 06.12.2016 (Annexure P-3) issued by Block Development and Panchayat Officer, Narwana-respondent

No.3, seeking to select another Panch as acting Sarpanch, in place of the petitioner, may be ordered to be kept in abeyance.

Having heard the learned counsel for the petitioner and without expressing any opinion on 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 Financial Commissioner and Secretary to Govt. of Haryana, Development and Panchayat Department-respondent No.1 to consider and decide the statutory appeal of the petitioner at an early date, by passing an appropriate order thereon, strictly in accordance with law but in any case within a period of three months from the date of receipt of certified copy of this order.

However, keeping in view the peculiar facts and circumstances of the case noted above and to ensure that statutory appeal of the petitioner may not be rendered infructuous, her removal order dated 07.10.2016 passed by Deputy Commissioner, Jind and also the communication dated 06.12.2016 (Annexure P-3) issued by Block Development and Panchayat Officer, Narwana shall be kept in abeyance, till decision of her appeal.

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

13.12.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No