

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

**CWP No.12063 of 2017
Date of Decision.01.06.2017**

Palwinder Kaur, Sarpanch

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Satbir Gill, Advocate
for the petitioner.

Mr. Tribhawan Singla, Advocate
for the caveator-respondent.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

Notice of motion.

Mr. Tribhawan Singla, Advocate accepts notice for caveator-respondent. He suffers a statement that instead of pondering upon the stay application, the Financial Commissioner could have decided the appeal on merits.

The grievance of the petitioner in the present case is against the order of dismissal dated 02.11.2016 (Annexure P-13) from the post of Sarpanch. By virtue of an order passed by LPA Bench this Court on 30.03.2016, the petitioner was given liberty to file an appeal. In the appeal filed by the petitioner, stay was granted vide order dated 12.01.2017 (Annexure P-16). However, the aforementioned stay was vacated on 27.04.2017 (Annexure P-17), while restoring the appeal, as the appeal in the interregnum, was dismissed in default, owing to the noting of wrong date.

Without going into the merits and demerits of the case, which will be in the domain of the Financial Commissioner viz-a-viz the

allegations against the petitioner, I deem it appropriate to direct the Financial Commissioner by setting aside the impugned order (Annexure P-17) to decide the appeal on the adjourned date i.e. 06.07.2017. Till then, the petitioner shall continue to discharge the duties of Sarpanch. In case, any report is sought and it is not received, it will be in the domain of the Financial Commissioner to adjourn the matter to a short date and decide the appeal as early as possible.

The writ petition stands disposed of in the above terms.

(AMIT RAWAL)
JUDGE

June 01, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No