

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

CWP No.13176 of 2017

Date of decision : 02.06.2017

Charanjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. P.P.S. Duggall, Advocate for the petitioner.

Mr. Atul Nanda, A.G. Punjab with
Mr. Yatinder Sharma, Addl. A.G. Punjab.

AMIT RAWAL, J. (Oral)

Notice of motion.

Mr. Yatinder Sharma, Addl. A.G. Punjab who is present in Court
accept notice on behalf of State.

This Court came across in many cases where grievance of the
petitioner is rendered unaddressed owing to the non-availability of the officers
either on transfer, leave, study leave or under posting.

This is a case which had come after that where petitioner who has
been vide order dated 21.04.2017 suspended as Sarpanch and had availed the
statutory remedy of filing appeal under Sub-Section 6 of Section 20 of Punjab
Panchayati Raj Act, 1994 before Sh. Roshan Shankaria, Financial
Commissioner, Rural Development and Panchayat Department, Punjab, SAS
Nagar Mohali exercising the powers of Government under the Punjab
Panchayati Raj Act, 1994, which is not being taken up owing to the fact that
the Officer has gone on leave as per the averments made in sub para No.f of

para No.4 of the writ petition supported by an affidavit.

The appeal is stated to be pending since May 15, 2017 and the grievance of the petitioner against the impugned order is not being addressed. It is the duty of the watchdog of the State Government to set their house in order and ensure that in case any Officer who goes on leave his powers are delegated or matters are sent to particular officer so that all such statutory appeals or revision petitions filed under various provisions of the Local Acts are being decided and the grievance of the petitioner is addressed. Having not taken care of the aforementioned fact and in view of my observation dated 31.05.2017 passed in CWP No.12225 of 2017, particularly when the officers goes on leave and the petitioner is unable to get the appeal decided, I impose expenses of ₹25,000/- on the State of Punjab to be paid to the petitioner i.e. regarding the cost of the litigation and engagement of the counsel for approaching this Court and further issue directions to the Chief Secretary, Punjab to either assign the duty or transfer the appeal to officer or depute a person dealing with to decide the pending appeals of such nature filed under various provisions of the Act and under various Departments as expeditiously as possible.

Let this entire exercise be done within a period of 10 days from the date of receipt of certified copy of the order.

With the aforementioned observations, the present writ petition stands disposed of.

02.06.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No