

CWP No.18793 of 2017

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18793 of 2017

Date of decision:05.09.2017

Raj Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Avnish Mittal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This is yet another case in which an innocuous prayer has been made by the petitioner for seeking a direction to decide her appeal expeditiously and till then, stay the operation of the order against which the appeal has been filed.

In short, the petitioner was elected as Sarpanch of village Khangah, Block Dhilwan, District Kapurthala for the term 2013 to 2018. She has been put under suspension vide order dated 06.06.2017. She has challenged the order of her suspension by way of an appeal dated 20.06.2017 along with an application for stay. She has approached this Court only for a direction to the authority, seized of her appeal, to decide the same expeditiously. It is also submitted by learned counsel for the petitioner that the appellate authority has not even given any date of hearing so far.

I have heard learned counsel for the petitioner and perused the available record.

If the averment made by the petitioner in the petition and submission made by learned counsel for the petitioner during the course of hearing are correct, then it would really be a case of an apathy on the part of

administrative authorities discharging its judicial function.

The petitioner is a duly elected Sarpanch. She has been put under suspension on 06.06.2017. She has filed an appeal on 20.06.2017. She had to approach this Court by filing the present petition on 21.08.2017, after waiting for almost two months for the appellate authority who did not even grant the date of hearing for the purpose of consideration of her application for stay.

The statute confers judicial functions upon the administrative authorities which are equally important especially when it affects the civil rights of a citizen, therefore, keeping in view the facts and circumstances narrated before me, the present petition is hereby disposed of at the stage of preliminary hearing, with a direction to the appellate authority, seized of the appeal and stay application (Annexures P-2 and P-3), to decide not only the application for stay but also the appeal filed by the petitioner expeditiously, within a period of one month, after giving short dates.

At this stage, I would also direct the Chief Secretary, Government of Punjab to issue appropriate guidelines/instructions to all the quasi judicial authorities, performing judicial functions under various statutes, under his command, to take up judicial matters seriously much-less at least giving them the date of hearing in order to maintain confidence of the litigants in the system.

The Registry is directed to send a copy of this order to the Chief Secretary, Government of Punjab, for the purpose of his information and necessary compliance.

September 05, 2017
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(Rakesh Kumar Jain)
Judge

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