

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

CWP No.27306 of 2017

Date of Decision: November 30, 2017

Gursharan Singh Grewal

. Petitioner

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Dr.Anmol Rattan Sidhu, Sr. Advocate, with
Mr.Mahir Sood, Advocate,
for the petitioner.

Mr.Fatehjeet Singh, Advocate,
for the caveator/respondent No.5.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the order of the Appellate Court by which the stay application filed by the petitioner along with the appeal, filed under Section 20(6) of the Punjab Panchayati Raj Act, 1994 [for short 'the Act'], has been declined and the main appeal has been posted for hearing on 28.12.2017.

Learned counsel for the petitioner has submitted that no cogent reason has been given in the impugned order while declining the prayer of stay except that the petitioner has failed to produce any concrete averment. It is further submitted that there is an unholy haste on the part of the members of the Panchayat to hold a meeting for the election of the authorized Panch to replace the petitioner (Sarpanch) in the interregnum.

Learned counsel for the petitioner has further submitted that he would be satisfied if the appellate authority is directed by this Court to

prepone the date of hearing in order to decide the main appeal itself and till then election of the authorized Panch be deferred.

On the other hand, learned counsel appearing on behalf of the caveator/respondent No.5 has submitted that the petitioner has committed serious misconduct on account of which he has been placed under suspension. It is also submitted that there is no error in the impugned order, declining the application for stay.

I have heard learned counsel for the parties and after taking into consideration the facts and circumstances, am of the considered opinion that the petitioner, who has been under suspension, has a statutory right to challenge the order of suspension by way of appeal, which has allegedly been exercised by him but during the pendency of the appeal his prayer for staying the order of suspension has been declined. It is submitted that taking advantage of the absence of the petitioner by putting him under suspension on a false complaint, other faction in the Panchayat are trying to fill up the gap with the election of the authorized Panch. In these facts and circumstances, I find it appropriate to dispose of this petition without issuing a notice to respondents No.1 to 4 & 6, as the order is innocuous to the effect that the appellate authority shall, on an application filed by the petitioner for preponment of the date of hearing from 28.12.2017, pass an effective order of preponing the date of hearing the appeal within 7 days and decide the same by passing a speaking order.

It is made clear that if the application for preponment of the date of hearing in the appeal is not filed on or before 04.12.2017, this order would automatically loose its significance and become redundant. However, if such an application is filed, as directed above, then the appellate authority

shall prepone the date of hearing of appeal from 28.12.2017 within a period of 7 days from the date of filing the application of preponment and shall decide the appeal by passing a speaking order after affording an opportunity of hearing to both the parties.

Till then the election of the authorized Panch shall remain suspended.

NOVEMBER 30, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No