

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

**CWP No.375 of 2017
Date of decision:12.01.2017**

Jagdish

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Shashi Bharat Bhushan, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the alleged inaction on the part of the respondent-authorities and has approached this Court by way of writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Mr. Shashi Bharat Bhushan, learned counsel appearing on behalf of the petitioner submits that election of Gram Panchayat Talwandi, Rukka was held in the month of January, 2016. The petitioner filed the nomination papers along with matriculation certificate before the Returning Officer which were accepted and election symbol was issued to him. The petitioner was allowed to contest the election and ultimately elected as Sarpanch of the aforesaid Gram Panchayat. Respondent No.5 moved a complaint alleging that petitioner was not eligible to contest the election as he had attained a bogus Matriculation Certificate. Respondent No.2 in this

context issued a show-cause-notice dated 4.7.2016 to the petitioner which was duly replied by him. Respondent No.2, vide order 5.12.2016 suspended the petitioner against which, preferred a statutory appeal before respondent No.1 on 22.12.2016 and prayed to stay the order dated 5.12.2016. Notice of the said appeal was issued to the respondents and the matter was posted for hearing on 10.01.2017. On the said date, respondent No.1 was not holding the Court and matter was adjourned to 24.01.2017.

In the meanwhile, on 02.01.2017, Block Development and Panchayat Officer, Hissar-I, issued a letter for appointment of casual Sarpanch and meeting was ordered to be held on 12.01.2017.

He further submits that the petitioner will be satisfied, in case respondent No.1 is directed to consider and decide his appeal or at least stay matter may be ordered to be considered and decide at an early date and till then, suspension order dated 5.12.2016 may be ordered to be kept in abeyance.

I have heard learned counsel for the petitioner and without expressing any opinion on the merits of this case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of with a direction to the Financial Commissioner and Principal Secretary, Department of Development and Panchayats, Civil Secretariat Building, Chandigarh - respondent No.1 to consider and decide the statutory appeal of the petitioner, at an early date or at least decide the stay matter without any further loss of time, by passing an appropriate order, strictly in accordance with law but in any case within a period of four 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 also to ensure that statutory appeal of the petitioner may not be rendered infructuous causing manifest injustice to him, it is also directed that till the appeal of the petitioner or at least the stay matter is heard and decided, suspension order dated 05.12.2016 and also the communication dated 02.01.2017 (Annexure P-2) shall be kept in abeyance.

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

(AMIT RAWAL)
JUDGE

January 12, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No