

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

CWP No.9320 of 2018 (O&M)

Date of decision : 24.04.2018

Smt. Sonia

.....Petitioner

Versus

**Financial Commissioner and Additional Chief Secretary, Haryana and
others**

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. S. R. Hooda, Advocate for the petitioner.

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DAYA CHAUDHARY, J. (Oral)

CM No.5951-CWP of 2018

This application has been moved under Order 1 Rule 10 read with Section 151 CPC for impleading Bishamber Balmiki, MLA from Bawani Khera, Haryana Vidhan Sabha Constituency as party-respondent.

Application is allowed and Bishamber Balmiki, MLA from Bawani Khera, Haryana Vidhan Sabha Constituency is impleaded as party-respondent No.6. Amended memo of parties annexed with the application is taken on record.

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Learned counsel for the petitioner *inter alia* contends that the petitioner has been suspended at the instance of the local MLA as the petitioner, being the Sarpanch, supplied the information under RTI Act

regarding non-construction of the house by the local MLA, after obtaining loan from Vidhan Sabha. He was having grudge against the petitioner and because of that reason she has falsely been implicated. Initially the petitioner was placed under suspension on two occasions but subsequently, said orders were stayed. An FIR was registered against the petitioner and by taking ground of lodging of FIR, the petitioner has again been suspended. In that FIR, the arrest of the petitioner has been stayed. It is not a case of moral turpitude. The impugned order has been passed on vague and false grounds. In support of his arguments, learned counsel has also relied upon judgment of Full Bench of this Court in case ***Kashmiri Lal Vs. Deputy Commissioner, Sonapat and others 1980 RLR 320*** and judgments of Division Bench of this Court in cases ***Mange Ram Vs. Financial Commissioner & Secretary to Govt., Development and Panchayat Dept., Haryana 1997(2) RCR (Civil) 387*** and ***Om Parkash Sarpanch Vs. Deputy Commissioner, Sirsa 2001(3) RCR (Civil) 628***. Learned counsel also submits that appeal is still pending and order in application for interim order has been passed and claim of the petitioner has been rejected.

Notice of motion.

On asking of the Court, Mr. Rajesh K. Sheoran, Addl. A. G., Haryana accepts notice on behalf of the respondents and submits that appeal is still pending for 22.05.2018.

Keeping in view the submissions made by learned counsel for

the parties and by considering the fact that the main appeal is still pending and only the application for interim order has been rejected, accordingly, the present petition is disposed of with a direction to the appellate authority to hear the appeal on the next date of hearing *i.e.* 22.05.2018 and in case for any sufficient reason, the same is not heard on that date, the same be decided within a period of not more than one month.

Meanwhile, operation of impugned order dated 05.04.2018 (Annexure P-7) shall remain stayed till the decision of the appeal.

24.04.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No