

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

135

CWP No.40631 of 2018

Date of decision : 31.12.2018

Gajendri

....Petitioner

V/s

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr.Vikram Singh, Advocate
for the petitioner.

Harnaresh Singh Gill, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing respondent No.1-Secretary-cum-Financial Commissioner Department of Rural Development and Panchayat, Haryana Civil Secretariat, Sector 17, Chandigarh to decide the stay application filed along with appeal.

Counsel for the petitioner states that the appeal was filed on 27.11.2018 and the same was fixed for 4.12.2018. On 4.12.2018, the case was not heard and was adjourned for 11.12.2018 and it was further adjourned for 18.12.2018. Now the case is pending for 8.1.2019 but the application for stay has not been decided so far.

Counsel for the petitioner states that this case is covered by a judgment passed by this Court in CWP-23401- 2018, titled as “***Mahender Narayan Vs. Financial Commissioner-cum- Principal Secretary, Department of Rural Development and Panchayat, Haryana and others***”, decided on 03.10.2018 (Annexure P-4). Further, he states that at this stage he would be satisfied, if a direction is issued to respondent No.1-Financial Commissioner-cum-Principal Secretary, Panchayat Department, New Civil Secretariat, Sector-17, Chandigarh to consider and decide the stay application within a time bound manner.

Heard.

In view of the above, without going into the merits of the case, the present petition is disposed of with a direction to respondent No.1-Secretary-cum-Financial Commissioner Department of Rural Development

and Panchayat, Haryana Civil Secretariat, Sector 17, Chandigarh to consider and take final view in the stay application expeditiously preferably within three weeks from the receipt of the certified copy of the order.

In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of three weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

Till the disposal of the stay application, the petitioner shall not be divested of the charge for the post of Sarpanch.

31.12.2018

sd

(**HARNARESH SINGH GILL**)
JUDGE

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