

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

CWP-21859-2019

Date of decision: 20.8.2019

Balbir Kaur

...Petitioner

Versus

Financial Commissioner-cum- Principal Secretary, Department of Rural
Development and Panchayats, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.RK Gupta, Advocate for the petitioner

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for setting aside the order dated 24.7.2019 (Annexure P-1) passed by respondent No.2, whereby the petitioner has been suspended from the post of Sarpanch and charge has been ordered to be handed over to Panch having majority.

Learned counsel for the petitioner refers to judgment dated 12.11.2009 (Annexure P-4) passed in FAO 4766 of 2009 titled as “Joginder Singh vs. Baldeep Singh and others” and Section 167 of the Haryana Panchayati Raj Act to contend that the registration of voter at more than two places is not a disqualification for an elected representative. He further states that the appeal alongwith the stay application filed by the petitioner is lying pending with respondent No.1, who is repeatedly not holding the Court. The last date in the appeal was 13.8.2019, on which the Court was not held by respondent No.1 and there is no further date.

Heard.

A complete set of paper book has been handed over to Mr. Vikant Pamboo, DAG, Haryana in the Court today.

In this view of the matter, without advertng to the merits of the case, the present petition is disposed of with a direction to respondent No.1 – Financial Commissioner-cum- Principal Secretary, Department of Rural Development and Panchayats, Haryana to take up the appeal (Annexure P-3) and decide the same expeditiously. However, in case, the appellate authority is unable to decide the same, at least ensure that the stay application filed alongwith the appeal is adjudicated upon preferably within six weeks from the date of receipt of the certified copy of the judgment.

Operation and effect of order dated 24.7.2019 (Annexure P-1) shall remain stayed till the disposal of the stay application filed with the appeal by the petitioner.

20.8.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No