

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

CWP-26836-2019

Date of decision: 20.9.2019

Raj Bala

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Vikram Singh, Advocate for the petitioner

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for staying the operation and implementation of the impugned order dated 29.7.2019 (Annexure P-1) passed by respondent No.2, whereby the petitioner has been ordered to be removed from the post of Sarpanch till the decision of the appeal alongwith stay application dated 27.8.2019 (Annexure P-2) filed by the petitioner.

Learned counsel for the petitioner states that against the impugned order dated 29.7.2019 (Annexure P-1), the petitioner had preferred an appeal alongwith the stay application before respondent No.1 Secretary- cum- Financial Commissioner, Department of Rural Development and Panchayat, Haryana on 27.8.2019 but till date the preliminary hearing has not been taken place in the main case as well as in the stay application. Learned counsel cites **Kashmir Kaur vs. Secretary to**

**Govt. of Haryana, Development and Panchayat Department-cum –
Financial Commissioner and others 1996(3) RCR (Civil), 686.**

Heard.

A complete set of paper book has been handed over to Mr.Vikrant 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 – Secretary,-cum-Financial Commissioner, Department of Rural Development and Panchayats, Haryana to take up the appeal 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 29.7.2019 (Annexure P-1) shall remain stayed till the disposal of the stay application filed with the appeal by the petitioner.

20.9.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No