

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1777-2020

Date of Decision:-23.01.2020.

Darshani Devi

.....Petitioner

Versus

Financial Commissioner (Revenue), Department of Development and
Panchayat, Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Vimal Kumar Gupta, Advocate for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

SANJAY KUMAR, J. (Oral)

The grievance of the petitioner, a Panch of the Gram Panchayat of Village Golni, Block Saraswati Nagar, District Yamuna Nagar, is that the Appellate Authority, viz., the Principal Secretary to the Government of Haryana, Development and Panchayats Department, who is seized of her appeal filed against the order dated 01.06.2018 removing her from the subject post of Panch, vacated the interim stay granted in the said appeal on 29.10.2019.

Perusal of the record reflects that, by order dated 13.06.2018 passed in the petitioner's appeal, the Appellate Authority stayed the operation of the order dated 01.06.2018 passed by the Deputy Commissioner, Yamuna Nagar, whereby the petitioner was removed from

the post of Panch of the Gram Panchayat of Village Golni. By way of the impugned order dated 29.10.2019, the Appellate Authority accepted the request of the proxy counsel appearing on behalf of the petitioner, the appellant before it, for an adjournment but thereafter, it baldly stated that the interim stay order dated 13.06.2018 stood vacated. No reasons whatsoever are forthcoming from the order dated 29.10.2019 as to why the Appellate Authority chose to vacate the stay which was subsisting since 13.06.2018. The unreasoned order dated 29.10.2019, vacating the stay granted in favour of the petitioner, therefore cannot be countenanced.

The writ petition is accordingly allowed restoring the interim stay order dated 13.06.2018 granted in the petitioner's appeal bearing Appeal No.68 of 2018 on the file of the Principal Secretary to the Government of Haryana, Development and Panchayats Department. The said interim order shall remain operative till the next date of hearing of the appeal. The Appellate Authority shall endeavour to dispose of the appeal on merits and in accordance with the due procedure expeditiously and in the meanwhile, continue the interim order passed therein, subject to just exceptions.

No order as to costs.

(SANJAY KUMAR)
JUDGE

January 23, 2020.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.