

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

CWP No. 2811 of 2020

Date of decision: 10.02.2020

Sunita Devi

.....Petitioner

V/s.

Financial Commissioner-cum-Principal Secretary and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rajnish K. Gupta Advocate,
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Sanjay Kumar, J. (Oral)

The petitioner is the Sarpanch of the Gram Panchayat of Village Mundakhera, Block Bilaspur, District Yamuna Nagar. She was suspended from the post, vide order dated 20.01.2020 (Annexure P-3), passed by the Deputy Commissioner, Yamuna Nagar.

Aggrieved thereby, she filed a statutory appeal before the Financial Commissioner-cum-Principal Secretary, Department of Rural Development and Panchayats, Haryana, the first respondent, on 28.01.2020. Admittedly, she also filed an application seeking stay of the order under appeal.

Apprehending that she would be discharged from the post, she filed the present writ petition,

When the statutory appeal filed by the petitioner is pending

consideration before the Appellate Authority, it would not be proper for this Court to entertain this writ petition or adjudicate it on merits. The petitioner cannot be permitted to pursue two remedies simultaneously.

The writ petition is accordingly disposed of directing the Appellate Authority, the first respondent, to forthwith consider the stay application filed by the petitioner in her statutory appeal. Such consideration would be on the merits of the matter and in accordance with the due procedure. As it is stated that the matter would be coming up before the Appellate Authority, the first respondent, on 25.02.2020, the exercise shall be completed on the said date and if not, by the next date of hearing thereafter.

In the meanwhile, the order under appeal dated 20.01.2020 (Annexure P-3) shall remain in abeyance.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.02.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no