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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4510 of 2020
Date of decision: 18.02.2020

Balraj

.....Petitioner

V/s.

State of Haryana and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sushil Jain, Advocate,
for the petitioner.

Sanjay Kumar, J. (Oral)

The petitioner is the Sarpanch of the Gram Panchayat of Village Agwanpur, Tehsil Gannaur, District Sonipat. He was suspended from the post, vide order dated 13.01.2020 (Annexure P-1), passed by the Deputy Commissioner, Sonipat.

Aggrieved thereby, he filed a statutory appeal before the Principal Secretary, Department of Development and Panchayat, Haryana, the first respondent, on 17.01.2020. Admittedly, he also filed an application seeking stay of the order under appeal.

Apprehending that he would be discharged from the post, he 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 his statutory appeal. Such consideration would be on the merits of the matter and in accordance with the due procedure. This exercise shall be completed on the date fixed and if not, by the next date of hearing thereafter.

In the meanwhile, the order under appeal dated 13.01.2020 (Annexure P-1) shall remain in abeyance.

No order as to costs.

18.02.2020

rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking : *Yes/no*

whether reportable/non reportable : *Yes/no*