

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

CWP-5171-2020

Date of decision: 26.2.2020

**Sanjiv Kumar**

**.....Petitioner.**

**vs.**

**The Principal Secretary to Government  
of Haryana and others**

**.....Respondents.**

**CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: - Mr. Naresh Kaushal, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

.....

**Sanjay Kumar, J. (ORAL)**

The grievance of the petitioner is that though he filed an appeal along with a stay application in relation to his removal from the post of Sarpanch of Village Sultanpur, Block Barwala, Tehsil and District Panchkula, the Appellate Authority, viz., the Principal Secretary to Government, Haryana, Development and Panchayats Department, is not taking up the matter in right earnest.

Mr. Naresh Kaushal, learned counsel for the petitioner, would inform this Court that the appeal has now been adjourned to 03.03.2020 and in the meanwhile, the petitioner would be displaced.

Reliance is placed upon case law in support of the contention that an appellate authority is required to promptly consider the issues raised before it by way of a statutory appeal. Reference in this regard is made to the decision of a Division Bench of this Court in *CWP-15000-1996*, titled *Kashmir Kaur vs. Secretary to Government of Haryana, Development and Panchayat Department-cum-Financial Commissioner*

*and others (1997 (1) PLR 242)*; the decision of a learned Judge of this Court in *CWP-27000-2019*, titled *Saroj Bala vs. State of Haryana*, and the decision of another learned Judge of this Court in *CWP-34025-2019*, titled *Sheetal Devi vs. State of Haryana and others*.

For reasons alike as were recorded in the afore-stated orders and in terms thereof, the writ petition is disposed of directing the first respondent to consider and dispose of the appeal filed by the petitioner on the next date of hearing. In the event the appellate authority is unable to do so, it shall at least consider the stay application filed by the petitioner in the said appeal on merits. Pending such decision, be it in the appeal or in the stay application, as the case may be, the order under appeal dated 10.2.2020 (Annexure P-6) shall remain in abeyance.

No order as to costs.

**(SANJAY KUMAR)**  
**JUDGE**

26.2.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no