

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

CWP No. 5767 of 2020

Date of decision: 02.03.2020

Ashok Kumar

.....Petitioner

V/s.

State of Haryana and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr.Krishan Singh, Advocate,
for the petitioner.

Sanjay Kumar, J. (Oral)

The petitioner is the Sarpanch of the Gram Panchayat of Village Bansewala, Block Bilaspur, District Yamuna Nagar. He was suspended from the post, vide order dated 19.07.2019 (Annexure P-2) passed by the Deputy Commissioner, Yamuna Nagar.

Aggrieved thereby, he filed a statutory appeal before the Financial Commissioner-cum-Principal Secretary, Panchayat Department, Haryana, the first respondent, on 08.08.2019. 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. As it is stated that the matter would be coming up before the Appellate Authority, the first respondent, on 07.04.2020, 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 19.07.2019 (Annexure P-2) shall remain in abeyance.

No order as to costs.

(SANJAY KUMAR)
JUDGE

02.03.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no