

Sr. No.110

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

CWP-7496 of 2020 (O&M)

Date of Decision: 28.05.2020

Anju

...Petitioner

Versus

State of Haryana & Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. S.P. Khatri, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. AG Haryana
(presence marked through video conferencing)

ARUN MONGA, J. (ORAL)

1. The petitioner, at one point of time, was *Sarpanch* of village Panchayat Jhamba, District Panipat. A complaint was made against her, leading to the passing of order dated 05.03.2020 by the Deputy Commissioner, Panipat vide which she was suspended from the post of *Sarpanch*. An appeal is stated to have been filed against the order dated 05.03.2020 before respondent No.1 i.e. Principal Secretary to Government of Haryana, Department of Rural Development and Panchayat, which is pending.

2. The grievance of the petitioner is that no orders are being passed on her appeal or the stay application despite lapse of more than two

months. The limited prayer made by learned counsel for the petitioner is that the appeal of the petitioner be heard by respondent No.1 within some stipulated time, so that she can put her case to defend the orders passed by Deputy Commissioner suspending her from the post of *Sarpanch*.

3. Having heard learned counsel for the petitioner and learned State counsel, I am of the considered view that petitioner has a legal right of being heard in the pending appeal prior to taking any further adverse action against her pursuant to suspension order dated 05.03.2020. Since there is no headway in the appeal pending before respondent No.1, the instant petition is disposed of with a direction to respondent No.1 to objectively consider the pending appeal of the petitioner on the next date of hearing fixed in it and dispose of the same in accordance with law. In case, it is not found viable to decide the main appeal, respondent No.1 shall hear the stay application and pass appropriate orders thereupon. Till passing of such orders, any further contemplated action pursuant to the order dated 05.03.2020 passed by Deputy Commissioner, Panipat, shall remain in abeyance.

4. Disposed of.

(ARUN MONGA)
JUDGE

28.05.2020
Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No