

109, 110 and 112

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

**1. CWP No.7615 of 2020 (O&M)
Date of decision : June 02, 2020**

Vikas Bhamu Petitioner

Versus

State of Haryana and others Respondents

2. CWP No.7616 of 2020 (O&M)

Jai Narayan Petitioner

Versus

State of Haryana and others Respondents

3. CWP No.7618 of 2020 (O&M)

Smt. Krishna Devi Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajnish K. Gupta, Advocate for the petitioner
in CWP No.7615 of 2020.

Mr. Vikram Singh, Advocate for the petitioner
in CWP No.7616 of 2020.

Mr. P.K. Ganga, Advocate for the petitioner
in CWP No.7618 of 2020.

HARSIMRAN SINGH SETHI J. (ORAL)

The petition has been taken for hearing through video
conference due to Covid-19 pandemic.

By this common order, all the aforesaid writ petitions, details of
which have been given in the heading of this order, are being decided as all

the writ petitions involve the same question of law as well as similar facts. For the purpose of the present order, the facts are being taken from CWP No.7615 of 2020 titled as “**Vikas Bhamu v State of Haryana and others**”.

Present writ petition has been filed challenging the order dated 16.03.2020 (Annexure P-7) by which the petitioner has been suspended from the post of Sarpanch by exercising the powers under the Haryana Panchayati Raj Act, 1994 (for short 'the 1994 Act'). Further the prayer of the petitioner is that though an appeal has already been preferred against the impugned order dated 16.03.2020 before the competent authority under the provisions of the 1994 Act along with an application for staying the operation of the said order but the said appeal is not being listed or heard by the authority concerned, which is causing prejudice to the petitioner.

Learned counsel for the petitioner submits that in similar circumstances, this Court while deciding CWP No.708 of 2020 on 13.01.2020 titled as “**Ram Pal v State of Haryana and others**”(Annexure P-11) issued directions to the competent authority to decide the appeal filed by the petitioner therein expeditiously and in case, application for the stay is filed along with the appeal, the same should be decided on merits expeditiously.

The prayer of the petitioner is that the petitioner be also granted the same relief as granted by this Court in **Ram Pal's** case (*supra*).

Notice of motion.

Ms. Shruti Jain, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the

service of advance copy of petition, accepts notice on behalf of respondents. Learned counsel for the respondents has not been able to dispute the passing of the orders by this Court Annexures P-11 and P-12, wherein under the similar circumstances, a direction has been issued by this Court to the competent authority to decide the appeal preferred by the suspended Sarpanches expeditiously.

Learned counsel for the respondents states that the appeal, if any, preferred by the petitioner, will be disposed of within time frame as fixed by this Court.

After hearing learned counsel for the parties, all the aforesaid petitions are disposed of with a direction to respondent No.1 to decide the appeal filed by the petitioners against the order of suspension expeditiously but not later than one month from the date of receipt of copy of this order. In case, due to any unforeseen circumstances, the appeals are not decided, the authority will positively decide the stay application filed along with the appeals wherein stay of the impugned order of suspension is prayed for, within the period of one month fixed above.

Till the appeal or the stay application is decided as directed above, the status quo which exists as on today will be maintained in all the writ petitions.

(HARSIMRAN SINGH SETHI)
JUDGE

June 02, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

Yes