

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

**CWP No.11346 of 2020 (O&M)
Date of Decision:07.08.2020**

Sukhbir

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per pleadings on record, vide order dated 24.07.2020 (Annexure P-1), petitioner has been removed from the post of Sarpanch.

The short grievance raised in the petition is that even though, the petitioner had availed of his statutory remedy of appeal alongwith an application for stay, the first respondent i.e.the Financial Commissioner-cum-Secretary, Department of Rural Development and Panchayat, Haryana, is yet to take up the matter. In other words the statutory remedy of appeal available to the petitioner is being frustrated.

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 the reasons alike as were recorded in the aforesaid 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 expeditiously. It goes without saying that under the current Covid-19 situation resort ought to be taken of the technology available and to conduct proceedings through Video Conferencing etc.

It is further observed that in case the Appellate Authority is unable to do so, he shall at least consider the stay application filed by the petitioner alongwith the statutory appeal.

Pending such decision, be it for the appeal or in the stay application as the case may be the order under appeal dated 24.07.2020 (Annexure P-1) shall remain in abeyance.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 07, 2020

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No