

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

CWP-12419-2020
Date of decision: 21.08.2020

Vicky

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of a direction to respondent No. 1 i.e. the appellate authority to decide the appeal/application for stay filed along with the appeal by the petitioner challenging the order passed by the Deputy Commissioner, Panipat suspending the petitioner from the post of Sarpanch on the allegations that some trees have been cut without appropriate permission.

Learned counsel for the petitioner submits that appeal of the petitioner is pending, however, no date has been given due to Covid-19 situation and, therefore, the Deputy Commissioner, Panipat is pressurizing the petitioner to hand over the charge to officiating Sarpanch.

Learned counsel for the petitioner further submits that the petitioner, at this stage, would feel satisfied if a direction is issued to respondent No.1/appellate authority to decide the appeal/application for stay filed along with the appeal in a time bound manner.

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, reliance is placed on decision of a Division Bench of this Court in ***CWP-15000-1996***, titled as ***Kashmir Kaur V/s. 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 as ***Saroj Bala vs. State of Haryana***, and the decision of another learned Judge of this Court in ***CWP-34025-2019***, titled as ***Sheetal Devi vs. State of Haryana and others***.

Learned counsel for the petitioner has further submitted 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*** issued directions to the competent authority to decide the appeal/application for the stay filed along with the appeal expeditiously and has prayed that the petitioner be also granted the same relief as granted by this Court in ***Ram Pal's case (supra)***.

Notice of motion.

Mr. A. K. Sehrawat, DAG, Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondents-State and has no serious objection to the limited prayer made by learned counsel for the petitioner.

Accordingly, without making any comment on the merits of the case, this petition is disposed of with a direction to respondent No. 1/appellate authority to hear and decide the appeal/application for stay within a period of six months from today.

Considering the Covid-19 situation, it will be open for respondent No. 1 either to hear the appeal in person or through video

conferencing or by taking the written arguments from both the side.

Till the decision of appeal, the operation of the impugned order(s) shall remain stayed.

21.08.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No