

113
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13459 of 2020
Date of decision: 03.09.2020

Rajeev Kumar

.....Petitioner(s)

V/s.

State of Haryana and another

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

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

Mr. Rajesh Gaur, Additional A.G, Haryana with
Mr. Minderjeet Yadav, Deputy A.G, Haryana.

Mr. Naresh Singh Shekhawat, Advocate, for the complainant.

Sanjay Kumar, J.

The grievance of the petitioner is that though he filed an appeal along with a stay application in relation to his suspension from the post of Sarpanch of Village Ram Nagar Kapoori, Block Charkhi Dadri, District Charkhi Dadri, the Appellate Authority, viz., the Financial Commissioner-cum-Principal Secretary to the Government of Haryana, Chandigarh, is yet to take up the matter in right earnest.

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 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 ***Saroj Bala V/s. 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***.

Mr. Naresh Singh Shekhawat, learned counsel, would state that he is instructed to appear for the complainant, at whose behest action was initiated against the petitioner. However, this Court does not propose to go into the merits of the case as it is for the statutory appellate authority to deal with it in the first instance. In consequence, there is no necessity to afford an opportunity of hearing to the complainant at this stage.

Thus, for 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 by fixing the next date of hearing at the earliest. In the event the appellate authority is unable to dispose of the main case, it shall at least consider the stay application filed by the petitioner in the said appeal on merits. Pending such decision, be it in the appeal or in the stay application, as the case may be, the order under appeal dated 11.08.2020 (Annexure P-1) shall remain in abeyance.

No order as to costs.

03.09.2020

rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no

