

CWP-13606 of 2020

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

CWP-13606 of 2020
Date of Decision: 11.09.2020

Surender Kumar

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. S.S. Duhan, Advocate,
for the petitioner.

Mr. Deepak Manchanda, Addl. A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through Video Conferencing.

Through the instant petition filed under Article 226 of the Constitution of India the petitioner prays for issuance of a writ in the nature of *mandamus* to direct the State to hear the statutory appeal filed by the petitioner under Section 51(5) of the Haryana Panchayati Raj Act, 1994 against the order dated 26.08.2020 passed by the Deputy Commissioner, Hisar, suspending the petitioner from the post of Sarpanch of Gram Panchayat Shikarpur, Block Hisar-1, District Hisar.

Learned counsel for the petitioner submitted that even though the petitioner has availed of his statutory remedy of appeal along with an application for stay, respondent No.1 – Principal Secretary to Government of Haryana, Development and Panchayat Department, is yet to look into the

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matter and the delay which is not attributable to the petitioner, is working to the petitioner's prejudice.

Reliance is placed on the judgment of a Division Bench of this Court in ***CWP No.15000 of 1996 – Kashmir Kaur v. Secretary to Government of Haryana, Development and Panchayat Department-cum-Financial Commissioner and others, 1997(1) PLR 242***; decision of a learned Single Judge of this Court in ***CWP No.27000 of 2019 – Saroj Bala v. State of Haryana***; decision of another learned Single Judge of this Court in ***CWP No.34025 of 2019 – Sheetal Devi v. State of Haryana and others*** and order dated 07.08.2020 passed by a Co-ordinate Bench of this Court in ***CWP No.11346 of 2020 – Sukbir v. State of Haryana and another***.

Notice of the petition had been issued to the State in response to which learned State counsel submitted that the case of the petitioner is fully covered by the aforesaid judgments cited by learned counsel for the petitioner.

In view of the above and in terms of the afore-referred judgments of this Court, respondent No.1 is directed to consider and dispose of the petitioner's appeal filed by him against his suspension order expeditiously. Under the current Covid-19 situation, respondent No.1 may conduct hearing of the petitioner's appeal through video conferencing etc.

It is further observed that in case the appellate authority is unable to hear the petitioner's appeal, it shall at least consider and decide the stay application filed by the petitioner along with his statutory appeal.

Pending such decision, be it in the appeal or in the stay application, as the

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case may be, the order under appeal dated 26.08.2020 shall be kept in abeyance.

The petition stands disposed of in the above terms.

September 11, 2020
R.S.

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No