

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CWP No.14285 of 2020 (O&M)
Date of Decision:16.09.2020**

Harinder Singh

.....Petitioner

Versus

Financial Commissioner, Government of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sunil Chadha, Sr. Advocate with Mr. Akshay Chadha,
Advocate for the petitioner.

Mr. Ayush Sarna, learned Asst. A.G. Punjab.

Mr. Manish Verma, Advocate for the Caveator.

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, an order dated 10.02.2020 was passed by the Director, Rural Development and Panchayat, suspending the petitioner herein who is otherwise an elected Sarpanch of Gram Panchayat Village Issewal, Block Sidhwan Bet, Tehsil and District Ludhiana.

Petitioner preferred an appeal under Section 20 (6) of the Punjab Panchayati Raj Act 1994 against the order of the Director alongwith the appeal an application for stay had also been filed.

Instant writ petition is directed against the order dated 20.02.2020 (Annexure P-13) passed by the Financial Commissioner, Punjab Government, Rural Development & Panchayats Department, dismissing the application seeking stay.

Second prayer made in the petition is for issuance of a mandamus directing the official respondents to conduct a fresh demarcation of the land in question and which forms the basis of passing of the order of suspension.

Learned Senior counsel had suggested to the Court that on account of the current Covid-19 Pandemic, the Financial Commissioner is not conducting proceedings.

Mr. Ayush Sarna, learned Asst. A.G. Punjab on taking instructions in the matter informs the Court that the Financial Commissioner is actually conducting physical hearing and the next date of hearing in the appeal is now slated for 15.10.2020.

Since the Financial Commissioner is seized of the controversy and the main appeal is pending in that Court, it would be prudent for the appeal itself to be decided on merits.

Accordingly without opining on the merits of the case, writ petition is disposed of with a direction to respondent No.1 to take up the appeal preferred by the petitioner against his order of suspension and to decide the same on merits and after hearing all concerned within a period of four weeks commencing w.e.f. 14.10.2020.

It would be open for the petitioner to even raise the prayer for conduct of a fresh demarcation of the land in question while pursuing his appeal before the Financial Commissioner.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 16, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No