

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

117

CWP-15183-2020

Date of decision: 23.09.2020

Babita Devi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the order dated 19.08.2020 (Annexure P-1) passed by respondent No.2 whereby the petitioner has been suspended from the post of Sarpanch and a writ in the nature of mandamus staying operation of the above-said order till the decision of the application for stay filed along with appeal dated 24.08.2020 (Annexure P-2).

The petitioner has filed the petition on the averments that the petitioner was elected as a Sarpanch of Gram Panchayat Rudrol. On complaint made to Hon'ble Lokayukt Haryana, enquiry was conducted by the SDM, Charkhi Dadri, by the order of respondent No.2, who concluded that the petitioner had filed a false complaint/information regarding loss of record of Gram Panchayat, Rudrol. Vide impugned order dated 19.08.2020, the petitioner was suspended and regular inquiry was ordered against her. The petitioner filed appeal under Section 51(5) of the Haryana Panchayati Raj Act, 1994 before respondent No.1 who has neither given any date for hearing nor passed any order on the application for stay of the impugned order.

Learned Counsel for the petitioner has submitted that the appellate authority is required to promptly consider the issues raised before it by way of a statutory appeal and also to decide the stay application. Reliance in this regard is placed on judgments 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; CWP-27000-2019, titled as 'Saroj Bala Vs. State of Haryana' decided on 20.09.2019 and CWP-34025-2019, titled as 'Sheetal Devi Vs. State of Haryana and others' decided on 18.12.2019.

Learned Counsel for the petitioner has further submitted that in similar circumstances, this Court issued directions to the competent authority to decide the appeal/application for the stay filed along with the appeal expeditiously. In support of this submission learned Counsel for the petitioner has placed reliance on judgments of this Court in ***CWP-2685-2020 titled as 'Satpal Vs. State of Haryana and others' decided on 31.01.2020; CWP-8078-2020 titled as 'Vinay Vs. State of Haryana and others' decided on 15.06.2020; CWP-7496-2020 (O&M) titled as 'Anju Vs. State of Haryana and others' decided on 28.05.2020; CWP-11346-2020 (O&M) titled as 'Sukhbir Vs. State of Haryana and another' decided on 07.08.2020; CWP-12328-2020 titled as 'Sube Singh Vs. State of Haryana and another' decided on 20.08.2020 and CWP-13459-2020 titled as 'Rajeev Kumar Vs. State of Haryana and another' decided on 03.09.2020.***

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Gaurav Jindal, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondents.

Learned counsel for the respondents has not disputed the legal perspective canvassed by the above-referred judgments and has submitted that in the present case the appeal/application for stay preferred by the petitioner will be expeditiously disposed of by the Competent Authority within such time frame as may be fixed by this Court.

After hearing learned Counsel for the parties but without examining the merits of the case and commenting upon the same, the petition is disposed of with a direction to the Financial Commissioner and Principal Secretary to Government of Haryana, Development and Panchayat Department, Haryana to decide the application for stay on merits by speaking order within 15 days and appeal filed by the

petitioner against the order of suspension expeditiously preferably within three months from the date of receipt of certified copy of this order. Till decision of the stay application on merits, operation of the impugned order dated 19.08.2020 shall remain stayed.

23.09.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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