

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

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CWP-15558-2020

Date of decision: 01.10.2020

Fulwati

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mukesh Kumar Verma, Advocate
for the petitioner.

SUVIR SEHGAL J. (ORAL)

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

Counsel for the petitioner has submitted that the petitioner remained Sarpanch of Gram Panchayat, Village Dhaliyawas, Tehsil and District Rewari from the year 2010 to 2015. In 2017, a false complaint was made against her, which was inquired into and, without associating the petitioner, the inquiry officer held the petitioner and the Gram Sachiv guilty of some allegations. The Block Development Panchayat Officer, Rewari-respondent No.3 assessed that the petitioner had caused the financial loss of Rs.3,14,117/- to the Gram Panchayat and vide impugned

notice dated 25.07.2018, Annexure P-1, he called upon the petitioner to deposit the amount. The petitioner submitted her reply to the notice. However, vide impugned order dated 14.08.2018, Annexure P-3 passed under Section 53 (2) of the Haryana Panchayati Raj Act, 1994, he demanded the deposit of the alleged loss in the account of the Gram Panchayat. Appeal filed by the petitioner was dismissed by the appellate authority by impugned order dated 25.02.2020, Annexure P-5, but the certified copy of the same was prepared and delivered to her on 16.06.2020. She challenged this order by filing Revision Petition No.73 of 2020 before the Financial Commissioner and Principal Secretary to Government of Haryana, Department of Panchayat and Development-respondent No.1 on 05.08.2020, which has not been taken up for hearing by respondent No.1. In the meantime, counsel submits that execution proceedings have been initiated and the Assistant Collector, Rewari has issued summons, Annexure P-6, for the auction of the property of the petitioner.

Counsel submits that the petitioner will be satisfied, in case, a time bound direction is issued to respondent No.1 to decide her prayer for stay as well as appeal.

Notice of motion to respondents No.1 to 3 only, at this stage.

Mr. Saurabh Girdhar, AAG, Haryana, accepts notice. He does not have any objection to a direction being issued to the concerned official to decide the stay and the appeal in a time bound manner.

The request made by the petitioner is just and reasonable.

Since the matter is pending before the revisional authority,

without examining the merits of the present petition or of the revision filed by the petitioner, it is a fit case where a direction deserves to be issued to the revisional authority-respondent No.1 to decide the revision expeditiously preferably within a period of four months. As execution proceedings have been initiated against the petitioner, a further direction deserves to be issued to the revisional authority to hear and decide the prayer for stay made by the petitioner within a period of two weeks from the date of receipt of the certified copy of this order.

It will be open to the revisional authority to hear and decide the prayer for stay and revision by virtual mode.

The writ petition is, accordingly, disposed of.

01.10.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No