

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CWP-16237-2020 (O&M)  
Date of Decision:- 6.10.2020

Vijay Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

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

Mr. R.S.Budhwar, Addl. A.G. Haryana.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner, at one point of time, was Sarpanch of Gram Panchayat Village Phulel Majra, District Ambala. A complaint was made against him, leading to the passing of order dated 23.07.2020 by the Deputy Commissioner, Ambala vide which he was suspended from the post of Sarpanch. An appeal is stated to have been filed against the order dated 23.07.2020 before respondent No.1 i.e. State of Haryana through its Secretary, Department of Rural Development and Panchayat, Haryana, which is pending.

2. The grievance of the petitioner is that no orders are being passed on his appeal or the stay application despite lapse of about one month. The limited prayer made by learned counsel for the petitioner is that the appeal of the petitioner be heard by respondent No.1 within some stipulated time, so that he can put his case to defend the orders passed by Deputy Commissioner suspending him from the post of Sarpanch.
3. Having heard learned counsel for the petitioner and learned State counsel, I am of the considered view that petitioner has a legal right of being heard in the pending appeal prior to taking any further adverse action against him pursuant to suspension order dated 23.07.2020. Since there is no headway in the appeal pending before respondent No.1, the instant petition is disposed of with a direction to respondent No.1 to objectively consider the pending appeal of the petitioner on the next date of hearing fixed in it and dispose of the same in accordance with law. In case, it is not found viable to decide the main appeal, respondent No.1 shall hear the stay application and pass appropriate orders thereupon. Till passing of such orders, any further contemplated action pursuant to the order dated 23.07.2020 passed by Deputy Commissioner, Ambala, shall remain in abeyance.
4. Disposed of.

**October 6, 2020**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No