

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

**CWP-19590-2020(O&M)  
Date of Decision: 18.11.2020**

**Lakhwinder Kaur**

**..... Petitioner**

**versus**

**State of Haryana and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

**\*\*\***

Present: Mr. Sandeep Kumar, Advocate  
for Mr. Vikram Singh, Advocate for the petitioner.

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**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, vide order dated 29.10.2020 passed by the Deputy Commissioner, Karnal (Annexure P-1), petitioner was suspended from the post of Sarpanch.

Short grievance raised in the instant petition is that even though petitioner had availed of a statutory remedy of appeal under Section 51(5) of the Haryana Panchayati Raj Act, 1994 along with an application for stay, the first respondent i.e. the Secretary, Department of Rural Development and Panchayats, Haryana is yet to consider the same. In other words the statutory remedy of appeal available to the petitioner is being frustrated.

Reliance is placed upon case law in support of the contention that an Appellate Authority is required to promptly consider the issues raised before it by way of a statutory appeal. Reliance in this regard is made to the decision of a Division Bench of this Court in **CWP No. 15000 of 1996** titled

as **Kashmir Kaur vs. 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** titled as **Saroj Bala v. State of Haryana** and the decision of another learned Judge of this Court in **CWP No.34025 of 2019** titled as **Sheetal Devi vs. State of Haryana and others**.

For the reasons as were recorded in the afore-stated orders and in terms there of, the instant petition is disposed of directing the first respondent to consider and dispose of the appeal filed by the petitioner expeditiously. It goes without saying that under the current Covid-19 situation, resort ought to be taken of the technology available and to conduct proceedings through Video Conferencing etc.

It is further observed that in case the Appellate Authority is unable to do so, he shall at least consider the stay application filed by the petitioner along with the statutory appeal.

Pending such decision, be it for the appeal or in the stay application as the case may be, the order under appeal dated 29.10.2020 (Annexure P-1) shall remain in abeyance.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**18.11. 2020**  
**sunita**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No