

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

CWP No.21453 of 2020 (O&M)

Date of decision: 14.12.2020

Neelam Devi

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.K. Khubbar, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J. (oral)

Petitioner is seeking setting aside of the order dated 02.12.2020 (Annexure P-3) passed by respondent No.2-Deputy Commissioner, Kurukshetra, whereby she has been ordered to be suspended from the post of Sarpanch till the decision of application for stay filed along with appeal dated 07.12.2020 (Annexure P-4).

Learned counsel for the petitioner states that prior to passing of the impugned order, petitioner was issued a show cause notice dated 30.09.2020 (Annexure P-1), which was issued under Section 51 (3) of the Haryana Panchayati Raj Act, 1994. After receipt of this notice, petitioner filed reply dated 23.10.2020 (Annexure P-2). Against the impugned order, petitioner filed an appeal dated 07.12.2020 (Annexure P-4) along with application for stay of the suspension order, before respondent No.1. Learned counsel further contends that writ petitions filed by similarly situated Sarpanches have been disposed of by this Court vide orders dated

giving directions to the appellate authority to pass a final order on the appeals and the stay applications within three months and till the decision of the stay application, operation of the suspension orders were kept in abeyance.

Notice of motion.

On the asking of the Court, Mr. Hitesh Pandit, Addl. A.G., Haryana, accepts notice on behalf of respondent-State.

After hearing learned counsel for the parties, this Court is of the view that the petitioner has a right to be heard on the stay application and the appeal pursuant to the suspension order dated 02.12.2020 (Annexure P-3). Learned counsel for the parties are not disputing that the next date before the appellate authority is fixed for 17.12.2020.

In the present case, application for stay is pending consideration before concerned respondent and the appeal is likely to take some time for its disposal on merits. In view of the said fact, this petition is disposed of by giving direction to respondent No.1 to pass a final order on the stay application expeditiously. Till the passing of order on the stay application, suspension order dated 02.12.2020 (Annexure P-3) shall be kept in abeyance.

14.12.2020
ajp

(RITU BAHRI)
JUDGE

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