

CM-1999-CWP- 2020 in/and
CWP No. 34111 of 2019

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

CM-1999-CWP- 2020 in/and
CWP No. 34111 of 2019
Date of decision: 14.02.2020

Chander Kanta

.....Petitioner

V/s.

**Financial Commissioner Panchayat and Rural Development-cum-
Additional Chief Secretary and others**

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. H.N. Mehtani, Advocate,
for respondent No.2.

Mr. Sandeep Punchhi, Advocate,
for the applicant-respondent No.4.

Sanjay Kumar, J. (Oral)

CM-1999-CWP- 2020

This application is ordered and the amended memorandum of
parties is taken on record.

Main writ petition

The grievance of the petitioner in this case, the elected
Sarpanch of the Gram Panchayat of Village Lohari Ragho, Tehsil Narnaund,

District Hisar, is with regard to her suspension from the said post by the Deputy Commissioner, Hisar, vide order dated 30.10.2019 (Annexure P-1) and the inaction on the part of the Appellate Authority, the Financial Commissioner Panchayat and Rural Development-cum-Additional Chief Secretary, Panchayati Raj Department, Government of Haryana, the first respondent, in dealing with the appeal filed by her on 08.11.2019 or in the alternative, the stay application filed therein.

By order dated 22.11.2019, this Court stayed the operation and effect of the impugned order dated 30.10.2019 till the decision on the stay application by the first respondent, the Appellate Authority.

Mr. Sandeep Punchhi, learned counsel appearing for the fourth respondent, the complainant against the petitioner, would inform this Court that the appeal filed by the petitioner is coming up for hearing before the first respondent, the Appellate Authority, on 25.02.2020.

If that be so, it is for the first respondent, the Appellate Authority, to apply its mind and consider the case on its own merits and take a reasoned decision. In the event the first respondent, the Appellate Authority, is not in a position to dispose of the main appeal, steps shall be taken dispose of the stay application filed therein by the petitioner on its own merits and in accordance with due procedure, after giving an opportunity of hearing to all parties.

The writ petition is accordingly disposed of with the above directions. The stay granted by this Court shall continue to operate till a decision is taken either in the stay application or in the appeal, as the case

may be. Grant of the stay in this writ petition shall not influence the first respondent, the Appellate Authority, in any manner while dealing with the stay application/appeal filed by the petitioner.

No order as to costs.

(SANJAY KUMAR)
JUDGE

14.02.2020

rakesh
whether speaking/non speaking : Yes/no
whether reportable/non reportable : Yes/no