

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

CWP-37467-2019

Date of decision: 20.1.2020

Balwinder Singh and others

.....Petitioners.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Nagar Singh, Advocate for the petitioners.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

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Sanjay Kumar, J. (ORAL)

The grievance of the petitioners, the suspended members of the Gram Panchayat of Village Phulewala, Block Phool, District Bathinda, is that the Financial Commissioner, Department of Rural Development and Panchayat, Punjab, the first respondent, is not deciding their appeal. The said appeal was filed by them against the order dated 22.10.2019 passed by the Director, Rural Development and Panchayat Department, Punjab, suspending them from the membership of the Gram Panchayat. This appeal is stated to have been filed on 30.10.2019.

By order dated 20.12.2019 passed in this writ petition, this Court permitted Mr. Nagar Singh, learned counsel for the petitioners, to place on record the order dated 5.12.2019 and any other subsequent order passed by the appellate authority, viz., the first respondent, in the pending appeal. Today, the learned counsel produced a copy of the order dated 5.12.2019 passed by the first

respondent adjourning the appeal to 19.12.2019. Learned counsel would inform this Court that on that date, the first respondent again adjourned the matter to 13.2.2020.

In the light of the circumstances obtaining, this Court is of the opinion that it is unnecessary to entertain this writ petition for adjudication on merits as it is for the appellate authority, viz., the first respondent, to consider the pending appeal on merits and in accordance with due procedure. That being so, no ground is made out to put the unofficial respondent on notice or afford her an opportunity of hearing.

Be it noted that statutory remedies are provided to enable citizens to avail speedy justice. When a statutory appeal is filed along with a stay application, it is incumbent upon the statutory authority entrusted with such quasi-judicial power to dispose of the appeal expeditiously and if it is not able to do so, at least promptly consider the stay application filed therein. Delay on the part of quasi-judicial authorities in dealing with such statutory remedies would not only render the same ineffective but also impact the rights of the parties adversely. In effect, it is not open to the first respondent to keep the appeal filed as long back as on 30.10.2019 pending indefinitely, without even considering the stay application filed therein.

The writ petition is accordingly disposed of directing the first respondent to consider the petitioners' appeal dated 30.10.2019 on merits expeditiously and in accordance with the due procedure. In the event the first respondent is not in a position to do so on the next date of hearing, the stay application filed by the petitioners shall be

considered and disposed of on the said date. This direction is being issued as this Court is informed that the other side has already entered appearance before the appellate authority and the stay application can be independently considered.

No order as to costs.

(SANJAY KUMAR)
JUDGE

20.1.2020

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no