

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

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**CWP-2898-2021 (O&M)
Date of decision : 09.02.2021**

Rekha Devi

.....Petitioner

Vs.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

Learned counsel for the petitioner would contend that the petitioner has been suspended from the post of Sarpanch vide order dated 29.01.2021 (Annexure P-3). Against the said order the petitioner has availed the statutory remedy of appeal along with an application for stay before respondent No.1 i.e. The Financial Commissioner-cum-Additional Chief Secretary, Department of Panchayat and Rural Development, New Civil Secretariat, Haryana. Learned counsel would further contend that neither the matter has been heard on merits nor the stay application has been taken up. Thus, frustrating his statutory remedy. Reliance in this regard has been placed on *CWP-15000-1996* titled '*Kashmir Kaur Vs. Secretary to Government of Haryana, Development and Panchayat Department-cum-Financial Commissioner and others [1997 (1) PLR 242]*'; the decision of this Court in *CWP-27000-2019* titled *Saroj Bala Vs. State of Haryana*; and *CWP-34025-2019* titled *Sheetal Devi Vs. State of Haryana and others*, to contend that an appellate authority is required to promptly consider the issues raised before it by way of a statutory appeal. Learned counsel for the

petitioner would further contend that at this stage he would be satisfied if the present petition is disposed off in terms of the orders referred above.

Notice of motion.

On the asking of the Court, Mr. Minderjeet Yadav, DAG, Haryana has put in appearance through video conferencing and accepts notice on behalf of the State.

Heard learned counsel for the parties.

In terms of the limited prayer made by the learned counsel for the petitioner, the present petition is disposed off with a direction to respondent No.1 to consider and dispose of the appeal filed by the petitioner expeditiously. In case the appellate authority, for whatsoever reason, is unable to consider and dispose off the appeal expeditiously, it should at least consider the stay application filed by the petitioner along with the statutory appeal within a period of one week from today.

Pending such decision, be it in the appeal or in the stay application, as the case may be, the order dated 29.01.2021 (Annexure P-3) shall remain in abeyance.

Disposed off.

February 09, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No