

CWP-3835-2021 (O&M)

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

**CWP-3835-2021 (O&M).
Decided on: February 18, 2021.**

Krishan Kumar

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Vijay Kumar Sheoran, Advocate,
for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

Learned counsel for the petitioner has submitted that the petitioner had filed a statutory appeal before the learned Appellate Authority along with the stay application by challenging the order of suspension from the post of Sarpanch of village. He has submitted that the appeal has been filed along with stay application to the Appellate Authority namely Financial Commissioner-cum-Principal Secretary to the Government of Haryana, Development and Panchayats Department, Chandigarh and the same has been registered in his office but the same has

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not been heard by the Appellate Authority despite the fact that the matter is urgent in nature.

The learned counsel for the petitioner has further relied upon decision of a Division Bench of this Court in CWP-15000-1996 titled Kashmir Kaur Vs. Secretary to Government of Haryana, Development and Panchayat Department-cum-Financial Commissioner and others, cited as 1997 (1) PLR 242 and another decision in CWP-27000-2019 titled Saroj Bala Vs.State of Haryana as well as in CWP34025-2019 titled Sheetal Devi Vs. State of Haryana and others. He has further relied upon Annexures P-6 to P-10 to contend that similar kind of petitions were filed by different Sarpanches who were suspended and this Court had disposed of all those petitions as per directions contained in the aforesaid orders. He has submitted that point of law involved in the aforesaid annexures is similar to the present petition and therefore, has limited his prayer for issuance of directions for disposal of the appeal and consideration of the stay application within a time bound manner. He has further submitted that the Appellate Authority is functioning.

Notice of motion.

Mr.Deepak Manchanda, Addl. A.G. Haryana, who is present in the Court accepts notice on behalf of both the respondents and on instructions, states that it is correct that subject matter in aforesaid Annexures P-6 to P-10, is similar to the present petition and he has no objection in case the present petition is also disposed of in same terms.

I have heard the learned counsel for the parties.

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For the reasons recorded in the aforesaid Annexures, I am satisfied that this petition can be disposed of, at this stage, without calling for reply from the respondents.

In view of above, the present petition is disposed of with a direction to respondent No.1 to consider and dispose of the appeal which has been filed by the petitioner as expeditiously as possible preferably within a period of 30 days from today. However, in the event the Appellate Authority is not able to decide the appeal within aforesaid period, then it shall at least consider the stay application which has been filed by the petitioner in the said appeal on merits.

Pending such decision, be it for the appeal or in the stay application as the case may be the order dated 29.1.2021, shall remain in abeyance.

No order as to costs.

February 18, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No