

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

CWP No.4472 of 2021

Date of Decision : 26.02.2021

Narinder Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

....

Present : Mr.V.K.Sandhir, Advocate
for the petitioner.

Mr.Abhaypal Singh Gill, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Challenge in the instant petition is to the order dated 01.02.2021 (Annexure P-3) passed by the Director, Rural Development and Panchayat Department, State of Punjab and in terms of which petitioner herein, who was serving as Sarpanch, Gram Panchayat village Barnala Kalan, Block Nawanshahar, District Shaheed Bhagat Singh Nagar, stand suspended.

Pleadings on record would indicate that the petitioner has already availed of the statutory remedy of appeal under Section 20(6) of the Punjab Panchayati Raj Act, 1994 against the impugned order of suspension dated 01.02.2021.

Writ Court has been approached on the premise that respondent No.1 is not taking up the appeal as also the application for stay accompanying the appeal and which is working to the prejudice of the petitioner.

Instant petition came up for preliminary hearing on 25.02.2021 and whereupon State counsel had been requested to complete instructions as regards the status/pendency of the statutory appeal dated 08.02.2021 (Annexure P-5).

Mr.Abhaypal Singh Gill, learned Asstt. Advocate General, Punjab during the course of resumed hearing informs the Court that the statutory appeal had indeed been filed by the petitioner and in which the date now fixed is 04.03.2021. He further submits that a decision on the application seeking stay would be taken on 04.03.2021 itself or within a period of 10 days thereafter.

In view of the strand taken on behalf of the State, there would be no occasion for this Court to examine the legality of the order of suspension dated 01.02.2021 (Annexure P-3).

Respondent No.1 would remain bound by the statement furnished by learned State counsel during the course of hearing today.

By way of an interim measure operation of the order of suspension dated 01.02.2021 (Annexure P-3) would remain stayed till an order is passed by respondent No.1 on the stay application preferred by the petitioner along with the statutory appeal dated 08.02.2021 (Annexure P-5).

It is, however, clarified that respondent No.1 while taking a

decision in the matter would not be influenced on account of the interim order that has been granted by this Court as the matter has not been examined on merits.

Writ petition is disposed of.

26.02.2021
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No