

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

**CWP No.5133 of 2021 (O&M)
Date of Decision:08.03.2021**

Sherbaj Singh

.....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. Suveer Sheokand, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner who was serving on the post of Sarpanch, was placed under suspension vide order dated 25.01.2021 (Annexure P-3) passed by the Director, Rural Development and Panchayat Department, State of Punjab.

Petitioner preferred a statutory appeal dated 15.02.2021 (Annexure P-4) accompanied by an application seeking stay.

The short grievance raised in the petition is that till date the appeal as also application for stay is not being taken up for hearing by the Financial Commissioner/Appellate Authority.

Instant writ petition came up for preliminary hearing on 04.03.2021 and whereupon State counsel had been requested to complete instructions as regards the status/pendency of the statutory appeal dated

15.02.2021 (Annexure P-4).

Mr. Suveer Sheokand, learned Addl. A.G. Punjab, has forwarded by way of email copy of memo dated 05.03.2021 issued by the Education Panchayat Officer, Department of Rural Development and Panchayats, Punjab and contents of which are reproduced hereunder:-

***Memo No.Reader/ACS/2021/819
SAS Nagar Dated:5-3-2021***

Subject:- Appeal No.13 of 2021 – Sh. Sherbaj Singh, Sarpanch, Gram Panchayat Abhun, Block Fazilka, District Fazilka Nagar V/s Director, Rural Development and Panchayats, Punjab.

Telephonic call was received from Sh. Abhay Pal Singh Gill, A.A.G. Punjab regarding status of case with respect of her suspension appeal pending in the Court of Financial Commissioner, Rural Development and Panchayats, Punjab. This case was filed in the respected Court on 18-02-2021.

As per directions received from Ld.Additional Chief Secretary, Rural Development and Panchayats, Punjab, the stay application of the appellant will be decided at the best on 25-03-2021 or within ten days after receiving the orders.

*Education Panchayat Officer,
Department of Rural Development
and Panchayats, Punjab.”*

In view of the stand taken on behalf of the State, there would be no occasion for this Court to examine the legality of the order of suspension dated 25.01.2021 (Annexure P-3). State would remain bound by the stand taken in the memo dated 05.03.2021 and which has been reproduced hereinabove.

By way of interim measure, operation of the order of suspension dated 25.01.2021 (Annexure P-3) would remain stayed till an order is passed by respondent No.1 on the stay application preferred by the petitioner alongwith the statutory appeal.

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

(TEJINDER SINGH DHINDSA)
JUDGE

March 08, 2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No