

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

**CWP No. 5714 of 2021 (O&M)
Date of Decision:10.03.2021**

Ram Niwas

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Saurabh Arora, Advocate for the petitioner.

Mr. Sanjay Mittal, Addl. A.G. Haryana.

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.

Challenge in the instant petition is to the order dated 29.01.2021 (Annexure P-8) passed by the Deputy Commissioner, Charkhi Dadri and in terms of which the petitioner who was serving as Sarpanch, Gram Panchayat, village Dadhi Chillar, was placed under suspension.

During the course of arguments it has gone uncontroverted that petitioner has already availed of his statutory remedy of appeal under Section 51 (5) of the Haryana Panchayati Raj Act 1994 and which is pending consideration before the Financial Commissioner-cum-Additional Chief Secretary, Department of Panchayat and Rural Development, State of Haryana.

Counsel submits that application for stay has also been filed

alongwith the appeal. It is submitted that the appellate authority is not taking up the appeal for consideration and thereby causing prejudice to the petitioner.

Notice of motion.

Mr. Sanjay Mittal, Addl. A.G. Haryana, has joined proceedings on behalf of respondents No.1 and 2.

Learned State counsel informs the Court that the date of hearing in the appeal preferred by the petitioner has since been preponed and the matter is now fixed for 25.03.2021.

Since a statutory appeal against the order of suspension has been filed, there would be no occasion for this Court to examine the validity and legality of the impugned order dated 29.01.2021 (Anenxure P-8) at this stage.

The appellate authority ought to take up the matter and to decide the appeal dated 17.02.2021 (Annexure P-9) as the same has been filed by the petitioner towards exhausting a statutory remedy available to him against his order of suspension.

Writ petition is disposed of with a direction to respondent No.1 to take a final decision on the appeal dated 17.02.2021 (Anenxure P-9) expeditiously and in any case within a period of four weeks from the date on which it is already fixed i.e. 25.3.2021.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.03.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No