

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-36688-2019 (O&M)

Date of decision: - 04.03.2021

Sukhbir Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Johan Kumar, Advocate, for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana
for respondents No.1 to 3.

Mr. Ajay Jain, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned State counsel, on instructions from the department, submits that the impugned order passed by the Principal Secretary, Development & Panchayats Department, Haryana, dated 29.10.2019, having endorsement dated 14.11.2019 (Annexure P-4), be treated as withdrawn and the authorities concerned will pass the appropriate order in the appeal afresh after giving due hearing to all the concerned parties including the petitioner as well as respondent No.4.

That being so, the present writ petition is disposed of with the direction to respondent No.1 to decide the appeal preferred by respondent No.4, whereby, the challenge was raised to the order dated

29.10.2018 (Annexure P-3) passed by the Deputy Commissioner, Hisar by passing a fresh order within a period of four weeks from the date of receipt of copy of this order.

It is made clear that all the record which available on file will be considered while passing the fresh order.

Learned counsel for respondent No.4 raises an apprehension that though the term of the Sarpanch has already been expired, but the elections are likely to be announced in the near future and respondent No.4 might not be allowed to participate in the upcoming election in view of the order passed by the Deputy Commissioner, Hisar dated 29.10.2018 (P-3), though same is under challenge in an appeal preferred by him.

The said apprehension can be redressed with the direction to respondent No.1 that in case during the above-said period of four weeks, any application is moved by respondent No.4 for staying the operation of the order passed by the Deputy Commisisoner, Hisar, which has been impugned in the appeal, due consideration be given to the said application as well in case the same needs urgent consideration for redressing the grievance of respondent No.4 with regard to contesting of forthcoming elections of the Gram Panchayat.

Present writ petition stands disposed of in above terms.

Pending applications, if any, also stand disposed of, having been rendered infructuous.

(HARSIMRAN SINGH SETHI)

JUDGE

March 04, 2021

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Whether reasoned/speaking?

Yes

Whether reportable?

No