

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

116

LPA No.461 of 2022 (O&M)
Date of Decision: July 21st, 2022

Gurmeet Kaur

...Appellant

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rakesh Nehra, Senior Advocate
with Mr. Judgepreet Singh Warring, Advocate
for appellant.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present appeal has been preferred against the order dated 08.04.2022 passed by the learned Single Judge, wherein the writ petition preferred by the appellant/petitioner had been dismissed.

On 08.07.2022 when this appeal had come up for consideration before this Court, following order was passed:-

“CM-1174-LPA-2022 and LPA-461-2022 (O&M)

Prayer in this application is for placing on record affidavit of the appellant as Annexure A-1, in compliance of order dated 01.06.2022 passed by this Court.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Affidavit of the appellant is taken on record as Annexure A-1.

In the said affidavit, it has been stated that the report dated 18.02.2022 (Annexure P-7) was produced before the Financial Commissioner, Department of Rural Development and Panchayats on 01.04.2022. He asserts that the said report has neither been taken into consideration nor any reference thereof has been made in the impugned order passed by the said authority. The learned Single Judge has also not looked on this aspect and rather has proceeded to consider the same as if it was not there on record.

Let the records of the Financial Commissioner pertaining to appeal No.160 of 2021 titled as 'Gurmeet Kaur versus Deputy Commissioner and others', decided on 05.04.2022 be produced in Court on the next date of hearing by the State counsel.

List on 14.07.2022.

Copy of this order be given dasti to the counsel for the State of Punjab for onward transmission and compliance.”

In pursuance to and in compliance thereto, counsel for the State, on the basis of the record received from the Financial Commissioner, informed the Court that the report dated 18.02.2022 (Annexure P-7) appended along with the writ petition was produced before the Financial Commissioner, Department of Rural Development and Panchayat on 01.04.2022, which has not been taken into consideration while passing the impugned order dated 01.04.2022.

In the light of the above facts and on going through the records, we accept the contention of learned counsel for the appellant by allowing the present appeal and set aside the order dated 08.04.2022 passed by the learned Single Judge and the impugned order dated 01.04.2022 (Annexure P-10) passed by the Financial Commissioner, Rural Development and Panchayat Department, Punjab, exercising the powers of the Government under The Punjab Panchayati Raj Act, 1994 and remand the case back to the said authority for fresh decision on the appeal preferred by the appellant under Section 20 (6) of The Punjab Panchayati Raj Act, 1994.

Parties are directed to appear before the said authority on **18.08.2022 at 10:00 AM.**

We would request the Financial Commissioner, Rural Development and Panchayat Department, Punjab-respondent No.1 to decide the said appeal within a period of one week from the date of appearance of the parties.

In the light of the decision of the appeal, pending applications also stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

July 21st, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No