

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120)

CWP-1333-2023

Date of decision: - 23.01.2023

Harjinder Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents no.1 to 4.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ, order or direction especially a writ in the form of direction to respondent No.1 to decide the stay application of the petitioner filed with the statutory appeal.

Learned counsel for the petitioner has submitted that the petitioner, who was a sarpanch, had been suspended vide impugned order dated 21.09.2022 (Annexure P-8) by respondent No.2 and against the said order, she had filed an appeal before the Additional Chief Secretary, Rural Development and Panchayat, Punjab-respondent No.1 on 19.10.2022 along with a stay application. It is further submitted that the said case was listed for the first time on 17.11.2022 and on the said date, notice of motion was issued to the respondents and record was called for

and thereafter, the matter was adjourned to 15.12.2022. It is further submitted that on 15.12.2022, since the Court was not being held, thus, the case was adjourned to 19.01.2023 and thereafter, on 29.01.2023, since the Court again could not be held, thus, a note was given by the reader in the Whatsapp group to the effect that instead of holding the Court on 19.01.2023, Court will be held on 24.01.2023 and on the said date, the cases which were directed by the Hon'ble High Court and cases of *kacha peshi*, were to be heard but on 24.01.2023, the case of the petitioner was not listed. It is stated that there is urgency in the matter, inasmuch as, a prayer has been made by the petitioner for setting aside the order dated 21.09.2022, vide which she has been suspended from the post of Sarpanch. It is further stated that the service is complete and the matter is now fixed for arguments. It is contended that the petitioner would be satisfied in case the Additional Chief Secretary, Rural Development and Panchayat, Punjab-respondent No.1 is directed to decide the appeal or at any rate, the application for stay, within a time bound period.

Learned State counsel, on the other hand, has submitted that every endeavour would be made by the Additional Chief Secretary, Rural Development and Panchayat, Punjab-respondent No.1 to decide the said appeal and at any rate the application for stay, would be decided, if for some unforeseen reason the appeal could not be adjudicated upon, within a period of two weeks from the date of receipt of certified copy of this order.

Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with the following directions:-

- (i) The Additional Chief Secretary, Rural Development and Panchayat, Punjab-respondent No.1 would make every endeavour to dispose of the said appeal, in case service stands completed and the record has been received, within a period of two weeks from the date of receipt of certified copy of this order.
- (ii) If for any reason, the appeal could not be adjudicated upon and disposed of within the aforesaid period, then, the Additional Chief Secretary, Rural Development and Panchayat, Punjab-respondent No.1 is directed to decide the application for stay filed by the petitioner along with the appeal, within a period of two weeks from the date of receipt of certified copy of this order.
- (iii) The parties are directed to fully assist the Court in expeditious disposal of the matter.

It is made clear that this Court has not given any opinion on the merits of the case and the same would be considered independently, in accordance with law.

January 23, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No