

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

CWP-21694-2023

Date of decision : 27.09.2023

Parminder Singh

.....Petitioner

versus

Financial Commissioner and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Parminder Singh, petitioner in person.

RAJESH BHARDWAJ, J. (Oral)

Lawyers have suspended work today.

Petitioner has approached this Court praying for issuance of direction to respondent No.1 to hear the Appeal No.204 of 2023 titled as Parminder Singh Vs. Director Rural Development and Panchayat (Annexure P-3) and to pass an appropriate and specific order on the stay application (Annexure P-4) as the petitioner has wrongly and illegally been suspended vide order dated 10.04.2023 (Annexure P-2) for alleged misconduct during his earlier tenure from 2008-2013. Further prayer has been made for issuance of direction to respondent No.1 to frame rules/regulations with respect to the filing and listing of cases/appeals etc. in the Court of respondents No.1 and 2 and to create separate-separate branches regarding filing, listing etc of the cases, which will not have any concern with court staff i.e. law officer, reader, judgment writer etc. who have only been appointed to assist the Hon'ble Court and who have nothing to do with the clerical work i.e. regarding filing the listing of the cases. Further prayer has been made for issuance of direction to respondent No.1 to fix the working days as well as working hours of the

Court and further the respondents No.1 and 2 may kindly be directed to hold the Court only on Court working days that too at the time fixed for holding the Court and if the Court is not held then information be uploaded on the website of the department, atleast one day prior to the same and further to display the cause list, one day prior to the date of hearing, on the website of the department and further to upload the interim orders, on the official website.

It has been submitted by the petitioner that he remained Sarpanch for the tenure 2008-2013. He submits that thereafter, he was again elected as Sarpanch of the Village in January, 2019 and presently, he is the Sarpanch of the Village. He has submitted that in a highly malafide manner, the petitioner was earlier issued notices dated 23.09.2019 and 17.07.2019 wherein the petitioner was directed to pay the amount mentioned therein which was said to have been embezzled in his earlier tenure which was from 2008-2013. He has brought to the notice of this Court that he challenged both the notices by way of filing CWP-37291-2019 which was disposed of vide order dated 03.09.2021 on the statement of Mr. Manpreet Singh Chhatwal, Director, Rural Development & Panchayat Department, Punjab who came present in the Court. He has submitted that the impugned notices challenged in that writ were later on withdrawn by the State. He has submitted that thereafter, in a highly malafide manner, petitioner was issued notice under Section 216 of Punjab Panchayati Raj Act for the allegations of embezzlement for the amount as alleged in the earlier notices which were withdrawn after the disposal of his earlier writ petition filed. It is submitted that the action of the State is totally illegal but despite that the petitioner has been

suspended by Director, Rural Development & Panchayat Department, Punjab vide his order dated 10.04.2023 which is totally against the settled principles of law. He has submitted that he had already assailed the same by way of filing the appeal under Section 20(6) of the Punjab Panchayati Raj Act along with stay application before learned Financial Commissioner i.e. respondent No.1. He has submitted that the appeal has been filed along with stay application but till date no hearing has taken place and this appeal along with stay application is simply being adjourned as the Presiding Officer is not holding the Court. He submits that as his tenure is about to come to an end in the month of December, he would suffer the disqualification for the next election as well if the appeal along with stay application is not heard.

Heard. After hearing the petitioner who is present in person, the present petition is disposed of with a direction to respondent No.1 to take up the appeal for hearing on the date fixed and hear the parties on the stay application and decide the same in accordance with law. The operation of the impugned order which is under challenge in the appeal would remain stayed till respondent No.1 hears the stay application which has been filed along with the appeal. The stay would operate till the date of hearing of the stay application. Respondent No.1 is free to pass any order as per law on the stay application after hearing learned counsel for the parties.

(RAJESH BHARDWAJ)
JUDGE

27.09.2023
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No