

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

CWP-21733-2023

Date of decision : 19.10.2023

Gurdeep Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.P.S. Kaushal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 24.07.2023 (Annexure P-1) passed by respondent No.2 whereby the petitioner has been suspended from the post of Sarpanch. Further prayer has been made directing respondent No.1 to restore and decide the appeal No.195 of 2023 under Section 20(6) of the Punjab Panchayati Raj Act, 1994 filed by the petitioner against order dated 24.07.2023 (Annexure P-1) passed by respondent No.2 which has been declared infructuous vide order dated 17.08.2023 (Annexure P-5) passed by respondent No.1 for restoration of said appeal the petitioner has filed application which is lying pending in the Court of respondent No.1.

Learned counsel for the petitioner has submitted before this Court that the petitioner was illegally suspended and the appeal filed by the petitioner was disposed of as infructuous in view of the Notification dated 10.08.2023. He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents-State.

After hearing counsel for the parties, it is apparent that the appeal filed by the petitioner was disposed of solely on the basis of Notification No.S.O.61/PA9/1994/S.29-A/2023 dated 10.08.2023. However, as submitted before this Court, the same has been subsequently withdrawn. It is also apparent that the appeal filed by the petitioner has not been heard on merits.

Resultantly, the impugned order dated 24.07.2023 (Annexure P-1) is *set aside*. Case/appeal is restored to its original number and is remanded back to respondent No.1-Financial Commissioner, Rural Development and Panchayat Department, Punjab, Vikas Bhawan, Sector 62 SAS Nagar, for deciding the appeal on merits expeditiously in accordance with law preferably within one month from the date of receipt of certified copy of the order.

Impugned orders would be kept in abeyance till the stay application filed by the petitioner is taken up for hearing.

19.10.2023
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

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