

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

CWP-21914-2023

Date of decision: 03.10.2023

Kajal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Divyam Dhakla, Advocate for
Mr. Vikram Singh, Advocate, for the petitioner.

RAJESH BHARDWAJ, J.

Present petition has been filed praying for setting aside the order dated 17.08.2023 (Annexure P-5) and order dated 01.08.2023 (Annexure P-3) being wrong, illegal against the provisions of law.

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 on 17.08.2023 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 He submits that subsequently the said notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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/P.A.9/1994/S29-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 However, as submitted before this Court, the same has been subsequently withdrawn.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 17.08.2023 is set aside. Case is remanded back to respondent No.1-Financial Commissioner, Department of Rural Development and Panchayat Punjab, Chandigarh for deciding the stay application moved alongwith appeal on merits expeditiously in accordance with law preferably within a period of three weeks from the date of receipt of certified copy of the order.

(RAJESH BHARDWAJ)
JUDGE

03.10.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No