

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

CWP-22163-2023

Date of decision : 04.10.2023

Gurpal Lohyatt

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Raj Kumar Garg, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the order dated 30.01.2023 (Annexure P-8) and order dated 24.08.2023 (Annexure P-11) dismissing the appeal as infructuous when the Gram Panchayats have been dissolved in view of a notification and later on the said notification was withdrawn by respondent No.1.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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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/P.A.9/1994/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However, as submitted before this Court, the same has been subsequently withdrawn.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 24.08.2023 is *set aside*. Case is remanded back to the Financial Commissioner, Punjab Government Rural Development and Panchayat Department, Chandigarh, for deciding the appeal on merits expeditiously in accordance with law preferably within three months from the date of receipt of certified copy of the order.

Learned counsel for the petitioner submits that the order of suspension of the petitioner was stayed by respondent No.1.

Thus, in view of the above, till the appeal is taken up for hearing by the Financial Commissioner, operation of the impugned order would remain stayed. However, the Financial Commissioner would be at liberty to hear the parties and decide the appeal as in accordance with law.

04.10.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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