

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

**CWP-22802-2023**

**Date of decision : 10.10.2023**

**Darshan Singh**

**.....Petitioner**

**versus**

**State of Punjab and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Ashish Pal Kaushal, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

Petitioner has approached this Court praying for quashing of order dated 22.03.2023 (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.74 of 2023 under Section 20(6) of the Punjab Panchayati Raj Act, 1994 filed by the petitioner against the order dated 22.03.2023 (Annexure P-1) passed by respondent No.2 which has been declared infructuous vide order dated 17.08.2023 (Annexure P-4) 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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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 However, as submitted before this Court, the same has been subsequently withdrawn.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 22.03.2023 is *set aside*. Case is restored to its original number and is remanded back to respondent No.1-Financial Commissioner, Department of Rural Development and Panchayat Punjab, Mohali, for deciding the appeal on merits expeditiously in accordance with law preferably within four weeks from the date of receipt of certified copy of the order.

Learned counsel for the petitioner submits that there was an interim order granted by respondent No.1. He has drawn the attention of this Court to order dated 22.06.2023 (Annexure P-10) wherein the stay already granted was extended by the Financial Commissioner. If that is so, the appeal would be restored along with interim order which will remain continued.

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.

10.10.2023  
m. sharma

( RAJESH BHARDWAJ )  
JUDGE

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