

CWP-23018-2023
Date of decision : 11.10.2023

versus

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Baldev S. Sidhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the order dated 06.04.2023 (Annexure P-1) passed by respondent No.2 vide which the petitioner has been suspended from the post of Sarpanch and order dated 24.08.2023 (Annexure P-2) passed by respondent No.1 whereby the appeal of petitioner has been dismissed as infructuous due to the issuance of a notification dated 10.08.2023 for dissolving the panchayats in the State of Punjab but now the panchayats are working as it were earlier as Government of Punjab has issued notification dated 04.09.2023 (Annexure P-12) amending the earlier notification dated 10.08.2023 to the effect that the entry of Sr. No.1 shall stand deleted.

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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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 However, as submitted before this Court, the same has been subsequently withdrawn.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 24.08.2023 (Annexure P-2) 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 two months 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 as is evident from Annexure P-11 wherein it is mentioned that L.C. order stayed. If that is so, the appeal would be restored along with interim order which will remain in force.

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.

11.10.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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