

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23122 of 2023
Date of decision : 12.10.2023

Vijay Kumar Sarpanch

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. N. P. S. Mann, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the impugned order dated 10.04.2023 (Annexure P-7) passed by respondent No.2/Director, by which the petitioner has wrongly and illegally been suspended from the post of Sarpanch of Gram Panchayat Roorki Kalan, Block Saroya, District Shaheed Bhagat Singh Nagar and also the order dated 16.08.2023 (Annexure P-14) passed by respondent No.1/Financial Commissioner, Rural Development and Panchayats Department, Punjab by which the appeal filed thereof by the petitioner has wrongly and illegally been declared as infructuous without giving any findings on the merits of the case and for delaying the matter for almost about three months.

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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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/PA.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 However, as submitted before this Court, the same has been subsequently withdrawn.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 16.08.2023 is set aside. Case is remanded back to the Financial Commissioner, Department of Rural Development and Panchayats, SAS Nagar, Mohali, for taking up the matter for hearing and decide the stay application moved along with the appeal expeditiously in accordance with law preferably within a period of two weeks from the date of receipt of certified copy of the order.

Petition stands disposed of.

(RAJESH BHARDWAJ)
JUDGE

12.10.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No