

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23145 of 2023
Date of Decision : 12.10.2023

Kulwinder Singh Sarpanch

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Baldev Singh Sidhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the order dated 07.03.2023 (Annexure P-1) passed by respondent No.2 vide which the petitioner has been suspended from the post of Sarpanch and order dated 17.08.2023 (Annexure P-2) passed by respondent No.1 whereby the appeal of the 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 Govt. of Punjab had issued a notification dated 04.09.2023 (Annexure P-8) amending the earlier notification dated 10.08.2023 to the effect that the entry of Sr. no.1 shall stands deleted. Further prayer has been made that the impugned order dated 07.03.2023 (Annexure P-1) passed by respondent No.2 vide which the petitioner has been suspended from the post of Sarpanch be stayed.

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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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 However, as submitted before this Court, the same has been subsequently withdrawn.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 17.08.2023 is set aside. Case is remanded back to respondent No.1the Financial Commissioner, Department of Rural Development and Panchayats, SAS Nagar, Mohali, for taking up the matter 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.

12.10.2023
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(RAJESH BHARDWAJ)
JUDGE

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