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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:137219

CWP-24130-2023

Date of Decision: 20.10.2023

Kuljinder Singh

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajinder Singla, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the entire proceedings conducted by respondent No.2 including passing of order dated 13.09.2023 (Annexure P-13) vide which respondent No.2 on the appeal (Annexure P-12) of respondent No.3, illegally after entertaining and admitting the same stayed the operation of the order dated 05.09.2023 (Annexure P-11) vide which respondent No.3 was removed from the post of Sarpanch Gram Panchayat Talwari, Tehsil Tohana on the proven misconduct of respondent No.3 entertaining the appeal (Annexure P-12) and staying the operation of the impugned order (Annexure P-11) is null and void. Further prayer has been made to restrain respondent No.2 from conducting any proceedings in appeal Annexure P-12 and also restrain respondent No.3 from discharging the functions/duties of Sarpanch Gram Panchayat, Talwari.

Learned counsel for the petitioner has submitted that respondent No.3 was elected Sarpanch of the village on the basis of the martic certificate, produced which was not recognized. He submits that on the complaint filed by the petitioner, enquiry was conducted and the allegations made by the petitioner-complainant were found to be correct and hence, respondent No.3 was removed from the post of Sarpanch by respondent No.4-Deputy

Commissioner, Fatehabad vide order dated 05.09.2023 (Annexure P-11). He has submitted that respondent No.3 assailed the same by way of filing an appeal before respondent No.2-Commissioner, Hisar Division, Hisar and respondent No.2 during the pendency of the appeal stayed the operation of the impugned order passed by the Deputy Commissioner. Learned counsel for the petitioner has raised contention regarding the jurisdiction of the Appellate Court and also for not impleading him as party in the appeal filed.

Notice of motion.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. She has submitted that as per the notification of the State, respondent No.2 has the jurisdiction to entertain the appeal filed by respondent No.3. It is submitted that the appeal is now fixed for hearing before respondent No.2 on 30.10.2023.

Learned counsel for the petitioner has fairly submits that respondent No.2 be directed to decide the appeal pending before him expeditiously.

In view of the above, the present petition is disposed of with a direction to respondent No.2 to hear both the parties and decide the appeal expeditiously preferably within three months from today.

(RAJESH BHARDWAJ)
JUDGE

20.10.2023
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No