

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

CWP-24117-2023

Date of decision: 20.10.2023

Rajdeep Kaur Sarpanch (now under suspension) ... Petitioner
Versus

The State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

RAJESH BHARDWAJ, J.

Present petition has been filed praying for quashing the order dated 30.01.2023 (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 Government of Punjab has issued a notification dated 04.09.2023 (Annexure P-4) 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 on 17.08.2023 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 He submits that subsequently the said notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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 However, as submitted before this Court, the same has been subsequently withdrawn.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 17.08.2023 (Annexure P-2) is set aside. Case/appeal is restored to its original number and is remanded back to respondent No.1-Financial Commissioner, Department of Rural Development and Panchayat, Punjab for deciding stay application in the appeal expeditiously in accordance with law preferably within two weeks from the date of receipt of certified copy of the order.

Till the time stay application is decided by respondent No.1, the impugned order dated 17.08.2023 will be kept in abeyance.

(RAJESH BHARDWAJ)
JUDGE

20.10.2023

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No