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

CM-6956-CWP-2023 in
CM-6957-CWP-2023 in/and
CWP-33686-2019 (O&M)
Date of decision : 28.04.2023

Paramjeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harkirat Singh Sandhu, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

CM-6956-CWP-2023

1. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 21 days in filing the application for restoration of the main case.

2. For the reasons stated in the application which is duly supported by an affidavit, the same is allowed and delay of 21 days in filing the application for restoration of the main case is condoned.

CM-6957-CWP-2023

1. This is an application filed under Order 9 Rule 9 read with Section 151 CPC for restoration of the case and recalling of order dated

01.03.2023.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and the order dated 01.03.2023 is recalled and the main case is restored to its original number.

Main case

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 21.10.2019 (Annexure P-5) whereby the petitioner has been suspended from the post of Sarpanch.

2. Learned counsel for the petitioner has submitted that the impugned order is appealable and the petitioner had filed an appeal before respondent No.1 and the said appeal is pending till date and now fixed for 08.06.2023. It is further submitted that Secretary, Department of Rural Development and Panchayat be directed to decide the said appeal as expeditiously as possible and has further submitted that till the time the said appeal is not decided, the interim order granted by the Coordinate Bench of this Court vide order dated 20.11.2019 be continued.

3. Learned State Counsel has submitted that they have no objection to the said course of action but has submitted that grant of interim order or continuance of the same should not be construed as an expression of opinion on the merits of the case.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the Secretary, Department of Rural Development and Panchayat to decide the appeal filed

by the present petitioner against the order dated 21.10.2019 (Annexure P-5) which is stated to be pending for 08.06.2023 as expeditiously as possible. The order dated 20.11.2019 passed by the Coordinate Bench of this Court granting the stay of operation of order dated 21.10.2019 (Annexure P-5) shall continue till the time the appeal is decided. The grant of interim stay and continuance of the same should not be construed as an expression of opinion on the merits of the case and respondent No.1 would decide the same independently and in accordance with law.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

28.04.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No