

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

**CWP-24897-2023 (O&M)
Date of decision: 06.11.2023**

Kajal

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Divyam Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of certiorari setting-aside the order dated 26.10.2023 (Annexure P-10) and order dated 01.08.2023 (Annexure P-3) being wrong, illegal, against the provisions of law.

It is submitted by counsel for the petitioner that the petitioner, before this Court, is the elected Sarpanch, who has been suspended on false and frivolous grounds by respondent No.2. It is further submitted that aggrieved by the same, the petitioner filed an appeal before respondent No.1, who accepted the same and remanded the case to respondent No.2 with a direction to decide it afresh. He has also submitted that the petitioner is aggrieved with the direction of respondent No.1 wherein he has directed that the suspension of the appellant would remain intact and thereafter, respondent no.2 would decide the case afresh. It is submitted that once the suspension order dated 01.08.2023 has been set-aside by the Financial Commissioner, the

fresh order has to be passed by respondent No.2 after hearing both the sides and hence, there is no question of keeping the same intact.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and has submitted that respondent No.1 has remanded the case for decision afresh and the direction regarding keeping the suspension order intact would not prejudice the petitioner.

After hearing the counsel for the parties and on perusal of the record, it is apparent that the suspension order dated 01.08.2023 has been set-aside by respondent No.1 with a direction to respondent No.2 to decide it afresh, however, the direction for keeping the same intact, on the face of it, is unsustainable as after the acceptance of the appeal filed by the petitioner, there is no suspension order in his way. Thus, the impugned order is modified to the extent that the direction regarding keeping the suspension of the appellant intact is set-aside.

Resultantly, the respondent No.2 is directed to decide the case afresh as directed by the Financial Commissioner expeditiously preferably within a period of 03 months from today, after hearing both the parties in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No