

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

CWP-24830-2023

Decided on 06.11.2023

Gurjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nakul Sharma, Advocate, for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of direction to respondent No.1 to decide the stay application as well as appeal of the petitioner in a time bound manner bearing Appeal No.219/2003 filed under Section 20 (6) of Punjab Panchayati Raj Act, 1994 titled as Gurjit Singh Sarpanch (under suspension) vs. Director, Rural Development and Panchayat Department, as the said appeal was filed on 04.09.2003 (Annexure P-2) alongwith stay application, however, even after a gap of more than two months, neither the stay application has been decided nor even appeal filed by the petitioner has come up for hearing even once and every time, appeal of the petitioner is being adjourned for one reason or another, whereas till today, petitioner is suspended from the post of Sarpanch and all development work in village has been stalled and not hearing the appeal of the petitioner even after a gap of two months is in complete violation of fundamental rights of the petitioner.

Learned counsel for the petitioner has submitted that the appeal filed by petitioner is pending before respondent No.1 and the same has not been taken up for hearing.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents-State. She has admitted the fact that the appeal filed by the petitioner is pending adjudication before respondent No.1 and the same has not been heard till date.

Heard.

After hearing counsel for the parties and perusing the record, the present petition is disposed of with a direction to respondent No.1 before whom the appeal is stated to be pending, to take up the appeal, hear the parties on stay application and decide the same expeditiously as per law. Operation of the impugned order dated 31.07.2023 (Annexure P-1) will remain stayed till the hearing of the stay application as stated above.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No