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

**CWP No.25259 of 2023
Date of decision : 08.11.2023**

Gurnishan 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)

Present writ petition has been filed for directing respondent No.1 to decide the stay application as well as appeal of petitioner in a time bound manner filed under Section 20(6) of Punjab Panchayati Raj Act 1994 titled as ‘Gurnishan Singh, Sarpanch (under suspension) Vs. Director, Rural Development and Panchayat Department’ as the said appeal was filed on 25.07.2023 (P-2) alongwith stay application, however, even after a gap of more than 4 months, neither stay application has been decided nor even appeal filed by Petitioner has come up for hearing/heard even once and every time, appeal of 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 Petitioner even after a gap of 4 months is in complete violation of fundamental rights of petitioner. Further prayer has been made that the impugned order dated 12.06.2023 issued on 14.07.2023 (P-1)

whereby petitioner has been suspended from the post of Sarpanch may kindly be stayed during the pendency of the appeal pending before Respondent No.1 and petitioner be reinstated on the post of Sarpanch as neither Respondent No.1 is deciding the stay application nor deciding the appeal on merits whereas due to suspension order petitioner is not able to do any development work in village which is not only causing irreparable loss to petitioner and further it is violating fundamental rights of Petitioner as the Petitioner is not being heard.

Learned counsel for the petitioner has fairly submitted that the petitioner has challenged his suspension order dated 12.06.2023 by way of filing an appeal before respondent No.1. He submits that appeal has been filed along with the stay application, however till date no decision has been taken on the same. He submits that if the appeal along with the stay application is not heard, the petitioner would suffer an irreparable loss and injury.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.1-Principal Secretary, Department of Rural Development and Panchayats, SAS Nagar, Mohali to hear the stay application filed along with the appeal by the petitioner and decide the same in accordance with law expeditiously.

Impugned order dated 12.06.2023 issued on 14.07.2023
(Annexure P-1) challenged in the appeal shall remain stayed till the
decision of the stay application filed along with the appeal.

(RAJESH BHARDWAJ)
JUDGE

08.11.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No