

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

CWP-26728-2023

Decided on 29.11.2023

Mohinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. C.L. Premy, Advocate, for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of direction to respondent No.1 to decide Appeal dated 23.02.2023 (Annexure P-6) under Section 20(6) of the PPR Act, 1994 filed by the petitioner against the impugned suspension order dated 30.01.2023 (Annexure P-5) in a time bound manner to enable the petitioner to complete the ongoing development work in the village as the term of the Sarpanch is going to expire in the next month.

Learned counsel for the petitioner has submitted that the petitioner was suspended vide order dated 30.01.2023, which order he challenged before respondent No.1. He further submits that the stay application filed by the petitioner alongwith the appeal was dismissed vide order dated 02.03.2023 and the appeal was adjourned to 18.05.2023 and thereafter, the petitioner approached this Court by way of filing CWP-9330-2023, which was disposed of by this Court vide order dated 02.05.2023 by directing respondent No.1 to decide the appeal filed by the petitioner as expeditiously as possible. He submits that in the meantime the Gram Panchayats were dissolved vide notification dated 10.08.2023, which notification was later on recalled and on the basis of the notification dated 10.08.2023, the appeal of the petitioner was

dismissed as infructuous by respondent No.1 vide order dated 16.08.2023, which required to be recalled. He further submits that the appeal of the petitioner has not been decided on merits.

Notice of motion.

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

Heard.

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/P.A.9/1994/S.29-A/2023 dated 10.08.2023. However, as submitted before this Court, the same was subsequently withdrawn. It is also apparent that the appeal filed by the petitioner has not been heard on merits.

Resultantly, the impugned order dated 16.08.2023 (Annexure P-11) is set aside. Case/appeal before respondent No.1 is restored to its original number and is remanded back to respondent No.1-Additional Chief Secretary, Rural Development and Panchayat Department, Punjab for deciding the appeal on merits expeditiously in accordance with law preferably within two weeks from the date of receipt of certified copy of this order.

Thus, in view of the above, till the decision of appeal by respondent No.1, operation of the impugned order dated 30.01.2023 (Annexure P-5) will remain stayed till the decision of the appeal. Respondent No.1 is directed to hear the parties and decide the appeal in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

29.11.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No