

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26772 of 2023
Date of decision : 30.11.2023

Yadvinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G. S. Brar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for directing respondents to reinstate the petitioner as she was illegally suspended from the post of Sarpanch by respondent No.2 and now the petitioner is found innocent in detailed enquiry conducted by the Divisional Deputy Director, Rural Development & Panchayat, Patiala vide report dated 18.08.2023. Further prayer has been made for directing respondent No.1 to decide the appeal dated 11.04.2023 (Annexure P-2) filed by the petitioner expeditiously, in which the impugned suspension order dated 31.03.2023 passed by respondent No.2 has been challenged and for staying the operation of suspension order dated 31.03.2023 passed by respondent No.2 during the pendency of the present petition.

It has been contended by learned counsel for the petitioner that against the order of suspension dated 31.03.2023, the petitioner filed an appeal along with the stay application before respondent No.1 i.e. Additional Chief Secretary, Punjab. He submits that thereafter appeal filed

by the petitioner was disposed of as infructuous in view of the notification dated 10.08.2023, which was later on withdrawn. He submits that the petitioner has been found innocent. 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 appears and accepts notice on behalf of the respondents. She has affirmed the submissions made by learned counsel for the petitioner. She, on instructions has submitted that the appeal was disposed of as infructuous and the notification was later on withdrawn.

After hearing learned counsel for both the parties, the present petition stands disposed of with a direction to respondent No.1 i.e. the Additional Chief Secretary, Department of Rural Development & Panchayats, Punjab to restore the appeal to its original number and take up the same along with the stay application filed by the petitioner and decide the same in accordance with law.

Operation of the impugned order dated 31.03.2023 shall remain stayed till the decision of the stay application by respondent No.1 i.e. Additional Chief Secretary, Department of Rural Development & Panchayats, Punjab.

30.11.2023
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(RAJESH BHARDWAJ)
JUDGE

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