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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.26755 of 2023  
Date of decision : 30.11.2023

**Shiv Kumar**

..... Petitioner

**Versus**

**State of Punjab and others**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present: Mr. Rakesh Gupta, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

Present writ petition has been filed for directing respondent No.2 to hear and decide the Appeal No.153 of 2023 (instituted on 13.06.2023) titled as “Shiv Kumar vs. Director, Rural Development & Panchayat” filed by the petitioner under Section 20(6) of the Punjab Panchayati Raj Act, 1994 along with stay application challenging the impugned order dated 29.05.2023 (Annexure P-2) passed by respondent No.3 whereby the petitioner has been suspended from the post of Sarpanch, Gram Panchayat, village Bhagwasi, District SAS Nagar, Mohali on the ground of registration of FIR No.105, dated 01.07.2022, under Sections 21(1) and 4(1) of Mines and Minerals (Regulation of Development) Act, 1957 at Police Station Lalru, District SAS Nagar, Mohali against the petitioner on account of digging the soil from the Shamlat land and getting the same dumped into the passages/roads without any approval from the

competent authority. Further prayer has been made for directing respondent No.2 to restore the above said appeal of the petitioner to its original position/stage as keeping in view the notification dated 10.08.2023 which was later on withdrawn, the appeal of the petitioner was rendered infructuous and that for the same, the petitioner has already filed an application for restoration of the same, which is still pending before it.

It has been contended by learned counsel for the petitioner that against the order of suspension dated 29.05.2023, the petitioner filed an appeal along with the stay application before the learned Financial Commissioner-cum-Secretary. 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filed by the petitioner was disposed of as infructuous in view of the notification dated 10.08.2023, which was later on withdrawn.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 further submits that till date, neither the appeal along with the stay application filed by the petitioner has been restored nor any decision on merits has been given on the same.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents. 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.2 i.e. the Financial Commissioner-cum-Secretary, Department of Rural Development and Panchayat, 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 stay application in accordance with law.

Operation of the impugned order dated 29.05.2023 shall remain stayed till the decision of the stay application by respondent No.2 i.e. the learned Financial Commissioner, Punjab.

(RAJESH BHARDWAJ)  
JUDGE

30.11.2023  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |