

116

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

CWP-27304-2023

Date of Decision: December 05, 2023

Sunita

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sherry K.Singla, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for quashing the order dated 21.09.2022, Annexure P-1, passed by respondent No.2 vide which the petitioner was ordered to be suspended from the post of Sarpanch and order dated 17.08.2023, Annexure P-8, passed by respondent No.1 whereby the appeal of the petitioner has been dismissed as infructuous due to issuance of a Notification dated 10.08.2023 for dissolving the Panchayats in the State of Punjab but now the Panchayats are working as it were earlier, as Government of Punjab has issued a Notification dated 04.09.2023, Annexure P-6, amending the earlier Notification dated 10.08.2023 to the effect that entry at Sr.No.1 shall stand deleted. It is further prayed to stay the operation and implementation of impugned order dated 21.09.2022, Annexure P-1, during pendency of the writ petition.

Learned counsel for the petitioner has submitted before this Court that the petitioner was illegally suspended and the appeal filed by the petitioner was disposed of as infructuous in view of the Notification dated

10.08.2023. He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss. He also submits that interim stay was also granted in favour of petitioner in the appeal and the same be continued as well. He has also placed on record the Zimni order, dated 22.06.2023, passed by Financial Commissioner to Govt. of Punjab, Department of Rural Development and Panchayat, which reads as under:-

“The Court time is over. In the interest of justice, the stay order granted on 22.12.2022 is extended till next date of hearing. The case is adjourned to 17.08.2023.”

Notice of motion.

On asking of the Court, Ms.Akshita Chauhan, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

After hearing counsel for the parties, it is apparent that appeal filed by the petitioner was disposed of solely on the basis of Notification No.S.O.61/PA9/1994/S.29-A/2023, dated 10.08.2023. However, as submitted before this Court, the same has been subsequently withdrawn. It is also apparent that the appeal filed by the petitioner has not been heard on merits.

Resultantly, the impugned order, dated 17.08.2023, is set aside. Case is remanded back to respondent No.1, i.e. Financial Commissioner, Punjab Government, Department of Rural Development and Panchayat Department, for deciding the appeal on merits expeditiously in accordance with law preferably within two weeks from the date of receipt of certified

copy of the order. The operation of the order dated 21.09.2022 passed by respondent No.2 is stayed till decision of the appeal.

December 05, 2023

(RAJESH BHARDWAJ)
JUDGE

meenuss

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |