

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

CWP-27572-2023

Date of decision : 08.12.2023

Angrej Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.P. Kaushal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the order dated 03.04.2023 (Annexure P-2) passed by respondent No.2 whereby he has been suspended from the post of Sarpanch. Further prayer has been made for directing respondent No.1 to decide the Appeal No.87 of 2023 under Section 20(6) of the Punjab Panchyati Raj Act, 1994 filed by the petitioner against the order dated 03.04.2023 (Annexure P-2) passed by respondent No.2 which is not being heard.

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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.

Notice of motion.

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

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/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 However, as submitted before this Court, the same has been subsequently withdrawn.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 (Annexure P-5 is *set aside*. Case before respondent No.1 is restored to its original number and is remanded back to respondent No.1-Financial Commissioner, 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.

Till the decision of appeal by respondent No.1, operation of the impugned order dated 13.04.2023 (Annexure P-2) would remain stayed. Respondent No.1 is directed to hear the parties and decide the appeal in accordance with law.

08.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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