

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

CWP-27887-2023

Decided on: 12.12.2023

Kamaljit Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Pal Kaushal, Advocate, for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 05.09.2023 (Annexure P-1) passed by respondent No.2 whereby the petitioner has been suspended from the post of Sarpanch. Further prayer has been made to direct respondent No.1 to decide the appeal No.134 of 2023 under Section 20 (6) of the Punjab Panchayati Raj Act, 1994 filed by the petitioner against the order dated 05.09.2022 (Annexure P-1) 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 on 16.08.2023 as infructuous in view of the notification dated 10.08.2023. He submits that subsequently the said notification was withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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/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 However, as submitted before this Court, the same was subsequently withdrawn.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 and the application filed for restoration of the same is pending before respondent No.1.

Resultantly, the impugned order dated 16.08.2023 (Annexure P-3) is set aside. Case/appeal 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 same as per law. The appeal be decided expeditiously in accordance with law preferably within two weeks from the date of receipt of certified copy of the order.

Till the time appeal is heard by Financial Commissioner, the impugned order dated 05.09.2022 is stayed.

(RAJESH BHARDWAJ)
JUDGE

12.12.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No