

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

CWP-28352-2023

Date of decision : 16.12.2023

Sudha Kaur

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for setting aside the order dated 17.08.2023 (Annexure P-8) whereby the statutory appeal dated 30.06.2023 (Annexure P-7) filed by the petitioner against the suspension order dated 08.06.2023 (Annexure P-6) has been rendered infructuous as earlier all the Gram Panchayats were dissolved in the State of Punjab vide notification dated 10.08.2023 however, later on the said notification dated 10.08.2023 was withdrawn by the Government of Punjab vide notification dated 04.09.2023 (Annexure P-9) therefore the above said appeal of the petitioner was also to be restored, however, till date, the abovesaid appeal dated 30.06.2023 is not restored and the petitioner is still under suspension despite the fact that the assessment order dated 25.11.2022 passed by the BDPO, Block Dhariwal, Gurdaspur on the basis of said inquiry already stands set aside by DDPO, Gurdaspur vide order dated 08.05.2023 (Annexure P-5). Further prayer has been

made for directing respondent No.1 to restore the appeal dated 30.06.2023 (Annexure P-7) under Section 20(6) of the Punjab Panchayati Raj Act, 1994 along with the stay application filed by the petitioner against the suspension order dated 08.06.2023 (Annexure P-6) and to decide the restoration application dated 11.12.2023 (Annexure P-10).

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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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 However, as submitted before this Court, the same has been subsequently withdrawn.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-8) is *set aside*. Case/Appeal before respondent No.1 is restored to its original number and is remanded back to respondent No.1 for deciding the same on merits in accordance with law expeditiously 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 08.06.2023 (Annexure P-6) would remain stayed. Respondent No.1 is directed to hear the parties and decide the appeal in accordance with law.

16.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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