

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

CWP-28584-2023

Date of decision : 20.12.2023

Harpreet Kaur and others

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ghumanpreet Singh, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 03.10.2022 (Annexure P-1) passed by respondent No.2 whereby the petitioners have been suspended from the posts of Sarpanch and Panches.

Learned counsel for the petitioners has submitted before this Court that petitioners are the elected Panchs and Sarpanchs. He submits that they were illegally suspended by the respondent on 03.10.2022. Thereafter, the petitioners assailed the said order by way of filing an appeal before respondent No.1. He submits that appeal i.e. No.139 of 2022 was filed by the petitioners. He submits that though in the opening part of the petition, he has not mentioned regarding filing of the appeal, however, he has mentioned the same in Para No.8 of the petition. He submits that this appeal was disposed of as infructuous in view of notification dated 10.08.2023.

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 petitioners 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 However, as submitted before this Court, the same has been subsequently withdrawn.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 petitioners has not been heard on merits.

Resultantly, the 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 filed by respondent No.1, operation of the impugned orders dated 03.10.2022 (Annexure P-1) would remain stayed. Respondent No.1 is directed to hear the parties and decide the appeal in accordance with law.

Petition stands disposed of.

20.12.2023
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

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