

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

CWP-29167-2023

Date of decision : 22.12.2023

Davinder Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. J.S. Bhandohal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 24.08.2023 (Annexure P-2) of Financial Commissioner, Department of Rural Development and Panchayats, Punjab wherein the appeal filed by petitioner against the order of suspension from the post of Sarpanch under Section 20(6) of Punjab Panchayati Raj Act, 1994 has been disposed of as infructuous in view of notification dated 10.08.2023 regarding dissolution of Gram Panchayats in the State of Punjab. Further prayer has been made for directing respondent No.1-Financial Commissioner Department of Rural Development and Panchayats, Punjab to decide the appeal filed by petitioner according to law against the order dated 10.04.2023 (Annexure P-1) passed by Director Panchayats Punjab wherein the petitioner has been suspended from the post of Sarpanch.

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 He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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, Mr. Arun William, AAG, 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 However, as submitted before this Court, the same has been subsequently withdrawn.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 24.08.2023 (Annexure P-2) is *set aside*. 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 by respondent No.1, operation of the impugned orders dated 10.04.2023 (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.

22.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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