

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.305 of 2024
Date of Decision: 09.01.2024

Mandeep Kaur
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing respondent No.1 to decide the application as well as the appeal of the petitioner in a time bound manner, vide bearing No.138 of 2023 filed under Section 20(6) of the Punjab Panchayati Raj Act, titled “Mandeep Kaur Sarpanch vs. Director Rural Development and Panchayat Punjab” as the said appeal was filed by the petitioner since 30.05.2023 (Annexure P-2) and during the pendency of the said appeal vide notification dated 10.08.2023 (Annexure P-3) issued by the Government of Punjab, all the Panchayats in the State of Punjab were dissolved. However, later on vide notification dated 04.09.2023 (Annexure P-5) the said earlier notification was withdrawn and the Panchayats were restored. Accordingly, petitioner immediately moved an application for recalling of order dated 17.08.2023 and further restoring the appeal to its actual number and to

adjudicate/decide the appeal on merits. However even after a gap of more than 08 months from the date of filing of appeal and after a gap of 04 months from the date of filing of the application, neither the appeal has been listed for arguments nor the stay application filed by the petitioner for staying the suspension order has been decided, whereas till today the petitioner is suspended from the post of Sarpanch and all the development work in village has been stalled. Further prayer has been made for staying the operation of impugned order dated 08.05.2023 issued on 19.05.2023 whereby the petitioner has been suspended from the post of Sarpanch during the pendency of the present petition.

It has been contended by learned counsel for the petitioner that against the order of suspension dated 08.05.2023 issued on 19.05.2023, the petitioner filed an appeal along with the stay application before the learned Financial Commissioner-cum-Secretary. He submits that thereafter appeal filed by the petitioner was disposed of as infructuous in view of the notification dated 10.08.2023, which was later on withdrawn. He further submits that till date, neither the appeal along with the stay application filed by the petitioner has been restored nor any decision on merits has been given on the same.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab appears and accepts notice on behalf of the respondents. He, on instructions has submitted that the appeal was disposed of as infructuous on the basis of notification dated 10.08.2023 and the notification was later on withdrawn.

After hearing learned counsel for both the parties, respondent No.1 i.e. the Principal Secretary, Department of Rural Development and Panchayats, SAS Nagar (Mohali) is directed to restore the appeal to its original number and take up the same along with the stay application filed by the petitioner and decide the stay application expeditiously in accordance with law.

Operation of the impugned order dated 08.05.2023 issued on 19.05.2023 shall remain stayed till the decision of the stay application by respondent No.1 i.e. the Principal Secretary, Department of Rural Development and Panchayats, SAS Nagar (Mohali).

Petition stands disposed of accordingly.

(RAJESH BHARDWAJ)
JUDGE

09.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No