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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1110-2024

Date of Decision: January 19, 2024

Sukhbir Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vipin Mahajan, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing the order dated 16.08.2023 (Annexure P-4) passed by respondent No.1 vide which appeal under Section 20(6) of Punjab Panchayati Raj Act, 1994, filed by the petitioner against the order of suspension of order dated 03.10.2022/19.10.2022, Annexure P-1, has been disposed of as infructuous because during pendency of the said appeal, vide Notification dated 10.08.2023 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the State of Punjab were dissolved, however, later on vide Notification dated 04.09.2023 the earlier Notification was withdrawn and the Panchayats were restored. It is further prayed to direct respondent No.1 to decide appeal No.114/2022 filed by the petitioner in a time bound manner under Section 20(6) of Punjab Panchayati Raj Act titled “Sukhbir Singh vs Director Rural Development and Panchayat, Punjab”. It is also prayed to stay the order dated 03.10.2022/19.10.2022, Annexure P-1, whereby the petitioner has been suspended from the post of Sarpanch during pendency of the present petition.

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Notification was withdrawn by the State but appeal of the petitioner is not being heard and as such, the petitioner is suffering an irreparable loss.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 However, as submitted before this Court, the same was subsequently withdrawn.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 same has been disposed of as infructuous.

Resultantly, the impugned order dated 16.08.2023 (Annexure P-4) 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 on merits. The appeal be decided expeditiously in accordance with law preferably within two weeks from the date of receipt of copy of the order. Office is directed to send a copy of this order to respondent No.1 forthwith, who on receipt of the same, will issue notice to both the parties.

Till the time appeal is heard by Financial Commissioner, the impugned order dated 03.10.2022/19.10.2022, Annexure P-1, is stayed.

January 19, 2024

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- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No