

115

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1826-2024 (O&M)

Date of Decision: January 30, 2024

Sulakhni Devi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Gautam Goyal, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

CM-1491-CWP-2024

Allowed as prayed for.

CWP-1826-2024

Petitioners have approached this Court praying for quashing the order dated 17.08.2023 (Annexure P-1) vide which the appeal of the petitioner against the order, dated 25.05.2023, was dismissed as infructuous by the Financial Commissioner Punjab, Rural Development and Panchayat Department, in view of the Notification No.S.O.61/P.A.9/1994/S.29-A/2023, dated 10.08.2023. It is also prayed to issue direction to respondent No.2 to decide the appeal on merits in accordance with law. It is further prayed to stay the operation of impugned order dated 25.05.2023, Annexure P-5, 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 dismissed as infructuous in view of the Notification dated 10.08.2023. He submits that subsequently said Notification was withdrawn by the State and the petitioner’s appeal was not restored and as such petitioner is suffering an irreparable loss.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab, who is present in Court, 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 dismissed as infructuous 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 However, as submitted before this Court, the same was subsequently withdrawn.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-1) is set aside. Case/Appeal before respondent No.2 is restored to its original number and is remanded back to respondent No.2 for deciding the same on merits expeditiously in accordance with law.

Till the decision of appeal by respondent No.2, operation of the impugned order dated 25.05.2023 (Annexure P-5) would remain stayed.

January 30, 2024
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(RAJESH BHARDWAJ)
JUDGE

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

Yes/No
Yes/No