

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2719 of 2024
Date of Decision: 07.02.2024

Harbhajan Singh
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Verma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the impugned order dated 16.08.2023 (Annexure P-5) passed by learned Financial Commissioner, Punjab and Govt. Rural Development & Panchayat Department/respondent No.2 and also the impugned order dated 08.05.2023 (Annexure P-3) passed by learned Director, Rural Development and Panchayat Department/respondent No.3 whereby appeal of the petitioner & perma respondents No.9 to 12 was dismissed against impugned order of their suspension from the post of village Panch, respectively against the facts of the record, provisions of the Punjab Panchayati Raj Act, 1994 and settled proposition of law as the same are illegal, perverse and arbitrary and liable to be quashed. Further prayer has been made for directing the official respondents to revive the appeal of the petitioner and others along with appropriate interim stay

and to decide the appeal on merits of the case and for staying the operation of impugned orders (Annexure P-3 and P-5) and not to further proceed with the case 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, the petitioner filed an appeal along with the stay application before the learned Financial Commissioner i.e. respondent No.2. 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filed by the petitioner was disposed of as infructuous in view of the notification dated 10.08.2023, which was later on withdrawn.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 to the official respondents at this stage.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents-State. She, 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appeal was disposed of as infructuous on the basis of notification dated 10.08.2023 and the notification was later on withdrawn.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 the parties and perusing the record, 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 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 16.08.2023 (Annexure P-5) is set aside, Case before respondent No.2 is restored to its original number and is remanded back to respondent No.2-Financial Commissioner, Department of Rural Development and Panchayats, Punjab for deciding the appeal on merits in accordance with law expeditiously.

Operation of the impugned order dated 08.05.2023 (Annexure P-3) shall remain stayed till the decision of the appeal by respondent No.2 i.e. Financial Commissioner, Department of Rural Development and Panchayats, Punjab.

Petition stands disposed of accordingly.

(RAJESH BHARDWAJ)
JUDGE

07.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No