

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3266 of 2024
Date of Decision: 16.02.2024

Kiranpal Singh, Sarpanch
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Rajinder S. Rana, Advocate for
Mr. Sandeep Kumar, Advocate
for respondent No.5/caveator.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing respondent No.1 to decide the stay application as well as appeal of the petitioner in a time bound manner filed under Section 20(6) of the Punjab Panchayati Raj Act, 1994 titled as ‘Kiranpal Singh, sarpanch (under suspension) vs. Director, Rural Development and Panchayat department’ as the said appeal was filed on 19.12.2023 (P-2) along with stay application, however even after a gap of almost 2 months, neither stay application has been decided nor appeal filed by the petitioner has been decided and every time, appeal filed by the petitioner is being adjourned for one reason or another, whereas till today, petitioner is suspended from the post of sarpanch and all development work in village has been stalled and

not hearing the appeal of petitioner even after a gap of almost 2 months is in complete violation of fundamental rights of petition. Further prayer has been made for staying the operation of impugned order dated 01.12.2023 issued on 15.12.2023 (P-1) whereby the petitioner has been suspended from the post of sarpanch during the pendency of the appeal pending before respondent No.1 and petitioner be reinstated on the post of sarpanch as neither respondent No.1 is deciding the stay application nor deciding the appeal on merits.

Learned counsel for the petitioner has submitted that the petitioner is the elected Sarpanch, who has been illegally suspended by the Director vide order dated 01.12.2023. He submits that the petitioner has assailed the same by way of filing an appeal along with the stay application, which is pending adjudication before respondent No.1. He submits that the stay application has not been decided till date and now the next date fixed before respondent No.1 is 07.03.2024.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab appears and accepts notice on behalf of the respondents-State. He, on instructions has submitted that the appeal along with the stay application is fixed for 07.03.2024 before respondent No.1. Mr. Rajinder S. Rana, Advocate has appeared on behalf of the caveator/proposed respondent No.5.

After hearing learned counsel for the parties and perusing the record, it is apparent that the appeal along with the stay application filed by the petitioner is fixed for consideration on 07.03.2024 before respondent No.1.

In view of the facts and circumstances of the case, the present petition is disposed of with a direction to respondent No.1-the Secretary, Rural Development and Panchayats Department, SAS Nagar (Mohali) to take up the appeal on the date fixed i.e. 07.03.2024 and decide the stay application filed by the petitioner after hearing both the sides in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

16.02.2024

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