

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3817 of 2024
Date of Decision: 20.02.2024

Rajender Prasad
..... Petitioner

Versus

State of Haryana and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing the respondents to decide the appeal pending adjudication before respondent No.2 against the order passed by respondent No.3 whereby the representation moved by the petitioner for recalling his suspension order with a prayer to reinstate him on the post of Sarpanch of Gram Panchayat Bhungarka has been arbitrarily dismissed without application of mind. Further prayer has been made that no proceedings have been initiated by respondent No.2 ever since filing the appeal by the petitioner while challenging the order passed by respondent No.3 and matter has been adjourned for as many as 4 occasions, therefore, he be directed to decide the said appeal pending adjudication before him with application of mind as early as possible and for directing respondent No.3 not to proceed

further with the matter regarding the appointment of panch with majority as Sarpanch.

Learned counsel for the petitioner has submitted that the petitioner is the elected sarpanch, who was illegally suspended by respondent No.3 vide his order dated 09.08.2023. He submits that aggrieved by the same, the petitioner filed an appeal along with the stay application before respondent No.2. However, the same has not been decided till date. He further submits that even the stay application is also pending till date.

Notice of motion.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of the respondents-State. She, on instructions from Mr. Ralique, ADA has submitted that the appeal along with the stay application is fixed for hearing before the learned Divisional Commissioner i.e. respondent No.2 for 06.03.2024 and the same would be heard on the date fixed.

On 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 06.03.2024 before respondent No.2.

In view of the facts and circumstances of the case, the present petition is disposed of with a direction to respondent No.2-the Divisional Commissioner, Gurugram Division, Gurugram to take up the

appeal filed by the petitioner on the date fixed i.e. 06.03.2024 and hear the parties on stay application and decide the same expeditiously in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

20.02.2024

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