

**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7664-2024

Date of Decision: 05.04.2024

Kuldeep

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Anuj Arya, Advocate for
Mr. Rakesh Kumar Lathwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing the impugned order dated 14.03.2024 (Annexure P-10) passed by respondent No.2-Divisional Commissioner, Karnal vide which a detailed order Endst. No.1532-36 dated 06.03.2024 (Annexure P-9) passed by respondent No.3-Deputy Commissioner, Panipat has been stayed, being erroneous, illegal and without following the due process of law. Further prayer has been made for staying the impugned order dated 14.03.2024 (Annexure P-10).

2. It has been submitted by learned counsel for the petitioner that the petitioner is the complainant, on whose complaint, action against respondent No.6 was initiated for her removal. He submits that respondent No.6 was removed from her post of Sarpanch under Sections 51 (3)(c) and 175 (n) of the Haryana Panchayati Raj Act, 1994 vide order dated 06.03.2024. He submits that respondent No.6 filed an appeal before learned Commissioner, who stayed the operation of the order dated 06.03.2024, vide order dated 14.03.2024 without hearing the petitioner. It has been further submitted that thus, the impugned order deserves to be set aside

3. Heard.

4. After hearing learned counsel for the petitioner and perusing

the record, it is apparent that respondent No.6 has availed the remedy against her removal by Deputy Commissioner. There is no denial to the fact that the appeal is pending consideration before the learned Commissioner. On finding a *prima facie* case, the Appellate Court is well within its jurisdiction to stay the order challenged in the appeal. Thus, this Court does not find any reason to interfere in the order impugned before this Court, however, the Appellate Court is directed to expedite the appeal filed by respondent No.6 and decide the same expeditiously as per law.

5. The petition stands dismissed.

05.04.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No