

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

CWP-26604-2023

Decided on: 28.02.2024

Rashpal Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagmeet Singh, Advocate for
Mr. Amit Arora, Advocate, for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 13.06.2023 (Annexure P-7) passed by learned Director, Rural Development & Panchayats, Punjab respondent No.2 vide which the petitioner has been ordered to be suspended from the post of Sarpanch of Gram Panchayat Padhri Kalan, District Tarn Taran and further for quashing of order dated 17.08.2023 (Annexure P-8) passed by learned Financial Commissioner, Department of Rural Development and Panchayats respondent No.1, in a total illegal, arbitrary and unconstitutional manner.

Learned counsel for the petitioner has submitted before this Court that the petitioner was illegally suspended and the appeal filed by the petitioner was disposed of on 17.08.2023 as infructuous in view of the notification dated 10.08.2023. He submits that subsequently the said notification was withdrawn by the State and thus, the petitioner has suffered an irreparable loss.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab 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 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 However, as submitted before this Court, the same was subsequently withdrawn.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-8) is set aside. Case/appeal is restored to its original number and is remanded back to respondent No.1-Principal Secretary-cum-Financial Commissioner, Rural Development and Panchayat Department, Punjab for deciding the same as per law. The appeal be decided expeditiously in accordance with law preferably within two weeks from the date of receipt of copy of the order.

Till the time appeal is decided by Financial Commissioner, the impugned order dated 13.06.2023 (Annexure P-7) is stayed.

(RAJESH BHARDWAJ)
JUDGE

28.02.2024
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No