

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

Civil Writ Petition No.18274 of 2009

Date of decision: 30.11.2009

Tejbir Malik

....Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Saurabh Bajaj, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not ?
3. Whether the judgment should be reported in the digest ?

K.Kannan, J. (Oral)

1. In an appeal filed by a Sarpanch against an order of termination pursuant to some charges levelled against him, the Financial Commissioner-cum-Principal Secretary to Government has granted stay of the order of the termination in the application filed under Section 51 (5) of the Panchayati Raj Act. The complainant, at whose instance the charges were levelled, is the writ petitioner before this Court, contending that by virtue of the order of stay, the Sarpanch, had already handed over the charge, and hence according to the petitioner, such an order of stay could not have been passed.

2. An order passed by an authority exercising competent jurisdiction under statute is not an order that should require any intervention especially when it is merely an ex parte order and a person,

who is aggrieved by such an order shall apply only to the very same authority to have any modifications or if there is any merit in the contention to seek for vacating of the order of stay. There is no patent error or lack of jurisdiction that could be noticed and it is not a fit case in my view for intervention under Article 226 of the Constitution.

3. The learned counsel for the petitioner states that at least there shall be direction for early and expeditious disposal of the appeal which is filed before the Financial Commissioner-cum-Principal Secretary. An ex parte order of stay of operation of termination itself is extraordinary and it shall only be appropriate that such an ex parte order shall not be taken advantage of by the appellant-Sarpanch and prolong the proceedings. Counsel for the petitioner states that the notice of the appeal has been sent to all parties and it is only at the stage of arguments. His prayer for expeditious disposal of the appeal pending before the authorities is just and since I am not entering into the merits of the respective contentions of parties, I dispense with notice of the writ petition to the respondents cited in the writ petition and give a direction that the appeal pending before the competent authority shall be disposed of as expeditiously as possible, preferably within a period of 3 months from the date of the passing of the order.

4. The writ petition is, accordingly, dismissed. No costs.

(K.KANNAN)
JUDGE

30.11.2009
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