



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA
CWP No.15561 of 2025
Decided on 25th September, 2025

Kanto
...Petitioner
Versus
State of Himachal Pradesh and others
...Respondents

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge
¹Whether approved for reporting? Yes

For the petitioner: Mr. Naresh Verma, Advocate.
For the respondents: Mr. Pushpinder Jaswal, Additional Advocate General, with Mr. Assistant Advocate General.

Ajay Mohan Goel, Judge (Oral)
Issue notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of the respondents.

2. In the light of the prayer made in this petition with the consent of the parties, the petition is being disposed of at this stage.
3. By way of this petition, the petitioner has approached this Court praying for the following reliefs:-

- (i) *“That the impugned orders dated 19.07.2025 passed by respondent No.3 (Annexure P-4) may kindly be quashed and set aside and the petitioner may kindly be permitted to continue as Pradhan Gram Panchayat Dand till the enquiry proceedings are pending before respondent No.4.*
- (ii) *That respondent No.2 may very kindly be directed to decide the appeal pending before him filed under Section 148 of H.P. Panchayati Raj Act, 1994 titled as Kanto Devi v. State of H.P. & Ors. in time bound manner.”*

4. Brief facts necessary for the adjudication of this petition are that the petitioner, who is serving as Pradhan Gram Panchayat Dand, Development Block Salooni, District Chamba, H.P., was placed under suspension by the District Panchayat Officer vide order dated 19.07.2025. Feeling aggrieved, the petitioner is stated to have been filed an appeal before the Deputy Commissioner Chamba i.e., the Appellate Authority. In terms of Annexure P-8, the arguments in the case were heard on 21.08.2025 and the case was ordered to be listed for final decision on 04.09.2025. This order is being reproduced hereinbelow for ready reference.

“Arguments were heard in detail as presented by the Adv. Madan Rawat for the appellant and by the official from the office of the DPO Panchayat the respondents in the case.

Accordingly, the case to come up for final decision on 04.09.2025.”

5. The grievance of the petitioner is that thereafter on 04.09.2025, i.e., the date fixed for the pronouncement of the order, rather than, announcing the judgment, for want of the Deputy Commissioner in the seat as he had to proceed to Bharmaur for the supervision of the relief and evacuation operations on account of the disaster situation in Bharmaur sub-division, District Chamba, H.P., the following order has been passed:-

"The case was fixed for hearing today. However, due to disaster situation in Bharmour sub-division closed by heavy rain, landslides and disruption during Manimahes Yatra, the Presiding Officer i.e. Deputy Commissioner had to proceed to Bharmour for supervision of relief and evacuation operations. Before leaving Ld. Presiding Officer conveyed that next date of hearing be fixed for 4.12.2025."

Reader to Deputy Commissioner"

6. Learned counsel for the petitioner submits that if the Deputy Commissioner was not available on 04.09.2025 for the reasons mentioned in the application, then, the case should have been simply listed on some other date, rather than posting it after three months and that too by mentioning therein that the case

was listed on 04.09.2025 for hearing. He submits that the petitioner being aggrieved by her suspension order cannot brook delay in the decision of her appeal, because these tactics of not deciding the case expeditiously defeat the very purpose of filing the appeal, because the term of the petitioner otherwise is going to end in the month of December, 2025. Accordingly, he prays that appropriate order be passed in this petition so that the petitioner does not suffer for the acts of omission of the respondents.

7. Having heard learned counsel for the petitioner, this Court is of the considered view that there is no doubt that the trend that recently has been seen by this Court of suspending the duly elected Pradhan of various Gram Panchayats in various part of the State at the fag end of their tenure raises eyebrows. Not only this, when the petitioner had preferred an appeal against her being placed under suspension which suspension is dated 19.07.2025, it was expected from the Appellate Authority to decide said appeal as decided expeditiously as possible in accordance with law. Admittedly, this has not been done, because the appeal is still pending and learned counsel for the

petitioner informs the Court that despite an application filed praying for the stay of the suspension order no stay was granted.

8. Besides this, what further worries the Court is that through the order passed by the Appellate Authority on 21.08.2025 demonstrates that arguments were heard on the said date and the case was listed for final decision on 04.09.2025 but the order that has been passed on 04.09.2025 that too by the Reader of the Deputy Commissioner, who in law had no power to pass any order, states that the case was listed for 04.09.2025 for hearing which is totally contrary to the record. Not only this, this order further contains that before leaving the Presiding Officer conveyed that next date of hearing be fixed for 04.12.2025, which if correct demonstrates the insensitiveness of the Presiding Officer i.e., the Appellate Authority vis-à-vis the issue which he was dealing i.e., an appeal filed by an elected member of a Gram Panchayat against the order of her suspension.

9. Be that as it may, as now the next date is given as 04.12.2025 which date having been given by the Reader of the Appellate Authority cannot be construed as any effective date because on said date the Appellate Authority will have to further

issue notices to the parties, this petition is disposed of with the direction that till the Appellate Authority decides the appeal in accordance with law by following the procedure, which has to be followed in deciding the appeal, the operation of the suspension order dated 19.07.2025 is hereby stayed and the petitioner shall be allowed to perform her duties as Pradhan of the Gram Panchayat concerned. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

September 25, 2025
(Vinod)