
(2021) 02 MP CK 0103
In the Madhya Pradesh High Court
Case No : Writ Petition No. 3594 Of 2021

Rekha Purohit W/O Nirranjan	Vs	APPELLANT
State Of Madhya Pradesh & Others		RESPONDENT

Date of Decision : 16-02-2021

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 — Section 91

Citation : (2021) 02 MP CK 0103

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Neeraj Gour

Final Decision : Disposed Of

Judgement

Subodh Abhyankar, J

1.This petition has been preferred by the petitioner under Article 226 of the Constitution of India assailing order dated 2th February, 2021 (Annexure

P/1) passed by the Divisional Commissioner, Ujjain Division, Ujjain (MP) whereby the petitioner's application for stay has been rejected. The

aforesaid stay application was filed in an appeal preferred by the petitioner under Section 91 of the Madhya Pradesh Panchayat Raj Avam Gram

Swaraj Adhiniyam, 1993.

2. Counsel for the petitioner has submitted that although vide impugned order, the appeal preferred by the petitioner has been admitted, considering the

grounds raised by the petitioner, that neither any show cause notice was given to him nor any opportunity of hearing was provided to him while passing

order dated 22nd January, 2021 (Annexure P/5) whereby his services have been suspended by the Chief Executive Officer, District Panchayat,

Mandsaur (MP) on account of financial irregularities.

3. Counsel has submitted that while deciding the application for stay, the same has been rejected by the learned Commissioner, without giving any cogent reasons.

4. Counsel for the respondent / State, on the other hand, has sought time to take instructions in the matter.

5. On due consideration of the submissions and perusal of the record, in the considered opinion of this Court, since a short point is involved in the

appeal preferred by the petitioner before the Divisional Commissioner, it would be expedient to dispose of this petition with a direction to the

Commissioner, Ujjain Division, Ujjain (MP) to decide the appeal preferred by the petitioner against order dated 22nd January, 2021 (Annexure P/5)

passed by the Chief Executive Officer, District Panchayat, Mandsaur (MP) preferably within a further period of two weeks from the date of receipt

of certified copy of this order, by a reasoned and speaking order, in accordance with law.