

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

LPA No.455 of 2025
Decided on: 04.08.2025

Manjusha Narwal	...	Appellant
<i>Versus</i>		
State of HP and another		Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice
Hon'ble Mr. Justice Bipin C. Negi, Judge

¹*Whether approved for reporting?.*

For the appellant: Mr. Subhash Sharma, Senior Advocate with Mr. Pavan Thakur, Advocate for Mr. Prantap Sharma, Advocate.

For the respondents: Mr. Sidharth Jalta, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice [Oral]

By way of the present appeal, challenge has been raised to the order dated 21.04.2025 passed by the learned Single Judge, wherein, Civil Writ Petition No.2248 of 2024, titled as Manjusha Narwal Versus State of Himachal Pradesh & another, filed by the present appellant was dismissed on the ground that there was statutory remedy, as such, available to the appellant.

2. It is important to keep in mind that the challenge before the learned Single Judge was only of the suspension order dated 16.10.2023 [Annexure P-1] issued by the respondents, wherein, the present appellant

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

who was performing the duties of *Pradhan* of *Gram Panchayat Neri*, had been suspended by respondent No.2- Deputy Commissioner, Shimla, while exercising the powers under Section 145 (1) (c) of the Himachal Pradesh *Panchayati Raj* Act, 1994 read with Rule 142 (1) (a) of the Himachal Pradesh *Panchayati Raj* [General] Rules, 1997. The same was on account of the fact that the appellant was *prima facie* found guilty of misconduct in the discharge of her duties on the basis of preliminary inquiry, which had disclosed misutilization of *Panchayat*/Government funds. The regular inquiry was also directed to be instituted and it was in such circumstances, suspension of the appellant had been ordered.

3. Apparently, during the pendency of the writ petition, regular inquiry had also been conducted. In the inquiry report dated 14.02.2024 [*Annexure R-11*], charges stood proved on the basis of documentary evidence under various heads. In pursuance of the same, the appellant has been removed from the post of *Pradhan Gram Panchayat, Neri*, vide order dated 12.04.2024 [*Annexure R-13*] with immediate effect and disqualified for a period of six years to be elected as office bearer of the *Panchayat* under Section 146 (2) of 1994 Act, on account of the said misconduct and continuance in office stated to be

undesirable in public interest.

4. In such circumstances, we are of the considered opinion that the present appeal is only an academic exercise as now the remedy, as such, apparently lies somewhere else against the removal order dated 12.04.2024 passed by respondent No.2-Deputy Commissioner, Shimla, as *Pradhan Gram Panchayat*, Neri, had been ordered. The said suspension order, thus, no longer remains in force. This aspect could not be disputed by the learned Senior Counsel before us.

5. Resultantly, keeping in view the above, we dismiss the present appeal with liberty to the appellant to avail her remedy in accordance with law.

6. Needless to say that it is always open to the appellant to file an appropriate application for condoning delay on account of the fact that she had been pursuing her remedy before this Court.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

August 04, 2025
[Bhardwaj]