

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 1619 of 2015

Date of Decision: February 16, 2015

Mahender Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Paramjeet Singh, J.(Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside order dated 18.11.2014 (Annexure P/4) passed by respondent no.2 – Deputy Commissioner, Palwal and order dated 06.01.2015 (Annexure P/5) passed by respondent no.1 – Additional Chief Secretary to Government of Haryana, Development and Panchayat Department whereby petitioner has been suspended from the post of Sarpanch.

Learned counsel for the petitioner does not press the instant writ petition on merits, however he only wants clarification with regard to words “ charge leveled against him (petitioner) stands fully proved”.

Learned counsel for the petitioner contended that in fact, neither regular enquiry has been conducted nor petitioner has been served with any charge-sheet or afforded an opportunity to put his defence against the allegations. It was only a fact finding preliminary enquiry. On that basis the maximum which can be done is that the Sarpanch can be suspended and it cannot be held that charges stand proved. Said contention of the learned counsel for the petitioner apparently appears to be correct that the finding that charges levelled against the petitioner stood fully proved, should not be taken into consideration. It is accordingly ordered that an independent regular enquiry shall be conducted wherein the petitioner shall be afforded adequate opportunity to put his defence against the charges leveled against him.

In view of this, the words “charge leveled against him (petitioner) stand fully proved” are expunged from the order dated 18.11.2014 (Annexure P/4) and in place thereof the words “charge levelled against the petitioner prima facie appears to be correct” shall be read.

Present writ petition is disposed of in the above terms.

February 16, 2015
vkd

[Paramjeet Singh]
Judge