

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

CWP No.238 of 2015 (O&M)
Date of decision: 9.1.2015

Gurinder Kaur

..... Petitioner

Versus

The Joint Development Commissioner and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. A.D. S. Jattana, Advocate for the petitioner.

Mr. N.P.S. Mann, Advocate for caveators/respondents
No.7 to 13.

RAJESH BINDAL, J

The petitioner, who was an elected Sarpanch of Gram Panchayat Sarhali Kalan, Block Chola Sahib, Tehsil and District Taran Taran, has filed the present petition impugning the order dated 5.1.2015 (Annexure P-9), whereby the prayer for stay of order of suspension dated 19.3.2014 was declined by the appellate authority. Caveat has been filed by respondents No.7 to 13.

Briefly, the facts, as stated by learned counsel for the petitioner, are that the petitioner was placed under suspension vide order dated 19.3.2014, primarily on the ground that some plots of the Panchayat were not auctioned and the old-age pension for the period from January, 2013 to June, 2013 was not disbursed. The petitioner took over the charge as Sarpanch of the Gram Panchayat in July, 2013. Learned counsel for the petitioner further submitted that in terms of Section 20 (4) of the Punjab Panchayati Raj Act, 1994 (for short "the Act"), a Sarpanch could be placed under suspension on any ground for which he/she could be removed. He further submitted that the grounds mentioned in the order of suspension of the petitioner are not of such, for which the petitioner could be removed.

The order of suspension was challenged by the petitioner by filing CWP No.6401 of 2014, in which while issuing notice of motion, operation of suspension order was stayed on 2.4.2014. Vide order dated 10.12.2014, the aforesaid petition was disposed of relegating the petitioner to avail of remedy of appeal under Section 20 (6) of the Act. The order of suspension was stayed till 17.12.2014. The petitioner filed an appeal on 16.12.2014 and the same was fixed for 22.12.2014, as the appellate authority used to hold court only on Monday. Thereafter, the appeal was adjourned for 23.2.2015. The petitioner again approached this Court by filing CWP No.26772 of 2014, which was disposed of on 24.12.2014 directing the Joint Development Commissioner/Appellate Authority to pre-pone the main appeal to 5.1.2015 and pass order in the main appeal as well as in the stay application. Suspension of the petitioner was stayed till 5.1.2015. On 5.1.2015, the appeal was adjourned to 19.1.2015, whereas, interim stay prayed by the petitioner was declined. Copy of the order was supplied to the petitioner on 6.1.2015.

He further submitted that immediately thereafter Sahib Singh, one of the Panch, was appointed as officiating Sarpanch and a sum of about ₹ 18,00,000/- lying in the account of the Gram Panchayat was withdrawn allegedly for payment of old age pension, whereas, in terms of the policy of the Government, the amount is to be transferred directly in the bank accounts of the pensioners. He further submitted that the petitioner was an elected Sarpanch and direction by this Court vide order 24.12.2014 was for decision of the main appeal as well, but still the appellate authority merely decided the stay application. The object of the private respondents is merely to siphon off the funds of the Gram Panchayat.

Learned counsel for the caveators/respondents No.7 to 13 submitted that whatever amount was withdrawn from the bank account of the Gram Panchayat, the same was paid to the beneficiaries, either by transfer in their bank accounts or in cash. He further submitted that there are certain activities going in the Gram Sabha area such as cleaning of ponds and repair of streets and drains, which the petitioner failed to get executed during her tenure, the same should be permitted to be continued.

After hearing learned counsel for the parties, in my opinion, the present petition can be disposed of at this stage with a direction to the

appellate authority to decide the appeal finally on 19.1.2015, the date already fixed. It is further directed that till such time the appeal is decided and copy of the order is supplied to the petitioner, no further amount shall be withdrawn from the account of the Gram Panchayat.

Ordered accordingly.

(RAJESH BINDAL)
JUDGE

9.1.2015

sharmila