

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.25032 of 2014

Date of Decision:-24.07.2015

Birkha Ram.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Amit Khatkar, Advocate for the Petitioner.

Mr. Vikas Malik, DAG Haryana.

Mr. D.P.S. Bajwa, Advocate for respondent nos.4 to 7.

JASWANT SINGH, J.(ORAL)

The petitioner was elected as a Sarpanch of the Gram Panchayat, Mohangarh, Block Uchana, Tehsil Narwana, District Jind in the elections held in July 2010. In the present petition he has laid challenge to the order dated 28.08.2014 (P-4) passed by the Deputy Commissioner, Jind exercising the powers under Section 51(1)(a) of the Haryana Panchayati Raj Act, 1994 ordering his suspension from the office of Sarpanch on the ground of a pending FIR lodged against him for having embezzled and misappropriated amounts of pension disbursed to dead persons; further challenge is to the order dated 25.11.2014 (P-5) passed by the Additional Chief Principal Secretary to Government, Haryana, Development and Panchayats Department, Chandigarh whereby his appeal has been

dismissed.

It is not in dispute that an FIR under Section 409/506/120-B/34 IPC, Police Station Uchana was pending investigation against the petitioner-Sarpanch when the impugned order has been passed and in the light of specific provision contained in Clause-a of Sub Section 1 of Section 51 of the Haryana Panchayati Raj Act, 1994, the Deputy Commissioner has powers to suspend if the said criminal offence in his information was moral turpitude or defect of character.

Be that as it may, at the time of hearing learned State Counsel points out that vide Order/Notification dated 16.07.2015 issued by the Government, BDPOs of the area concerned have been appointed as Administrators of the Gram Panchayats, including that of the present case, where the terms of the duly constituted Panchayat has expired on 24.7.2015. He thus submits that the present writ petition has thus become infructuous.

In view of the above, present writ petition is hereby dismissed as infructuous.

(JASWANT SINGH)
JUDGE

July 24, 2015
Vinay