

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.25426 of 2015
Date of Decision: December 05, 2015

Mohan Singh

....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Karan Jund, Advocate, for the petitioner.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The petitioner is an elected Sarpanch of Gram Panchayat Village Raipur, Block Kharar, District SAS Nagar Mohali. Earlier an attempt was made to divest him from the office of Sarpanch by appointing an Administrator of the Gram Panchayat. This Court intervened and restored the petitioner's position. In yet another petition filed by the petitioner, he was allowed to pursue the matter regarding removal of encroachments from Gram Panchayat land so that the road could be constructed.

Now, the Director, Department of Rural Development and Panchayat, has vide order dated 23/26.11.2015 suspended the petitioner on the allegation that in a preliminary enquiry he has been found prima-facie responsible for removing trees from the cremation ground without getting any assessment from the Forest Department

and then not depositing the consideration amount in the panchayat's account.

Keeping in view the previous background briefly noticed above, there appears to be some merit in the petitioner's allegation that he has been placed under suspension for the reasons other than merits, namely, for extraneous considerations. However, in view of the fact that there is an alternative remedy of statutory appeal available under Section 20(6) of the Punjab Panchayati Raj Act, 1994 against that order, we decline to entertain the writ petition at this stage and relegate the petitioner to the above-stated remedy.

It is directed that if the petitioner files the statutory appeal, his prayer for stay shall be decided within two days of filing of such appeal. In case the stay is granted, the Appellate Authority may decide the appeal within a reasonable period. However, if the stay is declined, in that case, the appeal is directed to be decided on merits within two weeks so as to enable the petitioner to further approach the appropriate forum.

Dasti.

[SURYA KANT]
JUDGE

December 05, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE