

CWP No. 25734 of 2015

Date of decision: 9.12.2015

Ram Lubhaya

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Baljinder Singh, Advocate
for the petitioner.

Rakesh Kumar Jain, J.(Oral)

The petitioner is the Sarpanch of Gram Panchayat, village Khatkar Khurd, Block Banga, Tehsil and District Shaheed Bhagat Singh Nagar. The Gram Panchayat comprises of seven Panches and one Sarpanch. The petitioner submits that five panches who belongs to the opposite group are not attending the meetings of the Panchayat. Therefore, work of the Panchayat has come to a stand still and proceedings are being initiated by the then DDPO, SBS Nagar for appointment of an Administrator. The petitioner has already made a complaint to the DDPO, SBS Nagar against the panches who are not cooperating in the working of the Panchayat but he has also not taken any action so far.

I have heard learned counsel for the petitioner and also perused the record.

Section 20 of the Punjab Panchayati Raj Act, 1994 (hereinafter,

referred to as 'the Act') provides power that “*the Director, may, after such enquiry as he may deem fit, remove any Sarpanch or Panch who refuses to act as such*”. Section 200 of the Act provides that “*if Panchayat makes a default in the performance of any duty other than a judicial function imposed upon it by or under this Act or under any other law for the time being in force, the District Development Officer and Panchayat Officer may by an order in writing fix the period for the performance of the duty and if it is not performed within the period so fixed, may empower any other person to perform the duty and direct that the expenses arising from, and incidental to, its performance shall be paid by the Gram Panchayat.*”

Counsel for the petitioner has argued that the non-cooperation of majority of Panches in the development work to be executed by the Panchayat is only with a view to not only demoralise the Sarpanch but also oust him from power with the appointment of the Administrator in terms of Section 200 of the Act.

Since no Administrator has been appointed so far, therefore, the present petition is pre-mature at this stage but the petitioner can still have a grievance against the five Panches who are not cooperating in the panchayat work for which he may file a complaint/application to the Director Panchayats, Punjab who would look into that complaint and take a decision thereon within 15 days after giving notice to said panches. If such an application is filed within two days, the same shall be decided, by passing a speaking order in accordance with law by the Director of Panchayat, Punjab within 15 days thereafter.

While parting with the order, counsel for the petitioner has

submitted that he has information that Amarjit Singh has been appointed as an Administrator but he is not sure about it. In case the Administrator has been appointed under the Order of DDPO, SBS Nagar, the petitioner may challenge his appointment by a separate writ petition.

[RAKESH KUMAR JAIN]

JUDGE

9th December, 2015

Shivani Kaushik