

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

CWP No. 3775 of 2015

Date of Decision: 02.03.2015

Smt. Sarbati Devi

....Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: Hon'ble Mr. Justice Jaswant Singh

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

JASWANT SINGH, J. (Oral)

The Sarpanch of village Dhourang, Tehsil Jagadhri, District Yamuna Nagar has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution assailing the order dated 27.01.2015 (Annexure P-2) passed by the appellate authority in exercise of jurisdiction under Section 51(5) of the Haryana Panchayati Raj Act, 1994 whereby the order dated 16.06.2014 (Annexure P-1) imposing the punishment of 'warning' passed by the Deputy Commissioner, Yamunanagar, has been set aside while accepting the appeal of the complainant.

It is submitted that the first charge against the petitioner-Sarpanch was that she along with the Gram Sachiv has caused a loss of Rs.60,635/- to the Gram Panchayat on account of leveling charges drawn for 3 kanal of leveling of land instead of actual 2 acres and 6 kanals. It is submitted that amount of alleged loss was found attributable to negligence of Gram Sachiv, which in any case was duly deposited within 30 days as per Rules and the punishment authority keeping in view the facts of the case had exercised its discretion by imposing the punishment of 'warning' on the petitioner, who is an illiterate old lady.

Learned counsel for the petitioner further submitted that learned appellate Court has, in a mechanical manner, interfered with such punishment which was not warranted in the facts of the present case.

After hearing counsel for the petitioner, this court is of the view that since the appellate authority has only set aside the order dated 16.06.2014 (Annexure P-1) without imposing any punishment, therefore, the discretion has now again to be exercised by the learned Deputy Commissioner, Yamunanagar by passing an appropriate order in accordance with law. He would have his full opportunity and liberty to put up his case before the D.C., Yamunanagar.

At this stage, learned counsel for the petitioner prays for permission to withdraw this writ petition to enable him to pursue his case before the Deputy Commissioner, Yamuna Nagar.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

02.03.2015
pooja saini