

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

Date of decision:27.04.2015.

Smt.Balwinder Kaur and another

.....Petitioners

v.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.SS Toor,Advocate for the petitioners

Jaswant Singh,J.(Oral)

Panch and Sarpanch of Village Balongi, Tehsil and District SAS Nagar have invoked jurisdiction of this Court under Articles 226/227 of the Constitution against the order dated 26.2.2015(P-16) passed by the Director, Rural Development and Panchayat Officer whereby a regular enquiry under Section 20(1) of Punjab Panchayati Raj Act,1994 has been entrusted to ADC(D) against the petitioners/ husband and wife.

It is averred that the same is outcome of personal vendetta of BDPO Kharar against petitioners against whom the petitioners have been agitating regarding non-handing over of charge of the office of Sarpanch. It is further averred that the BDPO out of vengeance has even lodged an FIR No.57 dated 18.6.2014 under Sections 13A(2) of Punjab Village Common Land Act and 44 IPC, PS Balongi (P-5)

against the petitioners, which on investigation by the Investigating Officer was also ordered to be filed. However, to further harass the petitioners regarding the same false allegations, BDPO has got initiated the regular enquiry vide impugned order.

After hearing learned counsel for the petitioners and perusing the impugned order, it is evident that while ordering the regular enquiry, the role of the officials including BDPO has also been ordered to be looked into. In such circumstances it cannot be presumed that the enquiry officer concerned would not do his duty in the right earnest or would not proceed in accordance with law. It is not the case of the petitioners that they have been suspended from their office during the pendency of said regular enquiry. Thus, factually present writ petition is premature and is disposed of accordingly. However, in case any suspension orders are to be passed, the same shall be passed after observing principles of natural justice.

Disposed of accordingly.

27.04.2015.
joshi

(Jaswant Singh)
Judge