

CWP No.8020 of 2015 (O&M)

KUMAR MANOJ
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.8020 of 2015 (O&M)

Date of Order: 08.12.2015

Manjit Kaur and Ors.

....Petitioners

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. A.S. Gill, Advocate for the petitioners.

Mr. Yatinder Sharma, Addl.A.G, Punjab.

Mr. R.S. Athwal, Advocate for respondent Nos.8 to 11.

RAKESH KUMAR JAIN, J (ORAL)

Petitioner No.1 is the Sarpanch whereas petitioner Nos.2 & 3 are the Panches of the Gram Panchayat Jadla, Tehsil Nawanshahr, District Shaheed Bhagat Singh Nagar. It is alleged that respondent Nos.8 to 11, residents of Village Jadla made a complaint to the Deputy Commissioner, Shaheed Bhagat Singh Nagar against the petitoners, which was marked by him to the SDM, Nawanshahr. The SDM, Nawanshahr made an inquiry and prepared report dated 02.3.2015, against which, the petitioners filed an application to the Director, Rural Development and Panchayat Department on 16.3.2015 (P.4) alleging that the inquiry conducted by the SDM was one sided inquiry and under the political pressure. The Director, Rural Development and Panchayat made endorsement on the application itself and marked the same to the Additional Deputy Commissioner (Development),

Hoshiarpur. While the said inquiry was pending, respondent No.7-BDPO, Shaheed Bhagat Singh Nagar passed order dated 22.4.2015 (P.7) asking the SSP, Shaheed Bhagat Singh Nagar to take action against the petitioners. This led to filing of the present petition wherein the petitioner has prayed for quashing the letter 22.4.2015 (P.7) and has also prayed that inquiry dated 02.3.2015 be declared redundant because the Director, Rural Development and Panchayat had already ordered re-inquiry by the ADC (D), Hoshiarpur.

After notice, the respondents have filed reply and the order (P.7) has been withdrawn on 18.6.2015. In respect of second cause of action for declaring the inquiry dated 02.3.2015 conducted by the SDM, Nawanshahr as redundant in the wake of subsequent inquiry being conducted by the ADC (D), Hoshiarpur, learned counsel for the private respondents fairly argued that the said inquiry cannot be held to be redundant. It is alleged that the petitioners have made two complaints. On the first complaint, the SDM has made inquiry and prepared its report dated 02.3.2015 whereas on second complaint, the ADC is holding inquiry.

Learned counsel for the State, on the instructions obtained from the law officer of the Department, has submitted that the complaint dated 16.3.2015 was though marked to the SDM, Nawanshahr but a copy thereof was also sent to the Director Panchayats, who marked the inquiry to the Deputy Chief Executive Officer, Zila Parishad, Shaheed Bhagat Singh Nagar.

It is an admitted fact that no inquiry was conducted by the said Officer, however, the respondents have not denied that the petitioner had moved an application to the Director, Panchayats, which was marked by

him to the Deputy Chief Executive Officer, Zila Parishad, Shaheed Bhagat Singh Nagar, who admitted that he did not hold any inquiry. In the meanwhile, the SDM, Nawanshahr had conducted inquiry against which the petitioner made a complaint to the Director, Panchayat that said inquiry is one sided. On their complaint itself, the Director, Panchayat marked the inquiry to the ADC (D), Hoshiarpur.

Learned counsel for the petitioner has submitted that since the matter has been ordered to be re-inquired, the earlier inquiry report of the SDM has become redundant.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the present case wherein there are allegations against the petitioner for embezzlement and tampering of panchayat record, it is ordered that the inquiry that has been marked by the Director, Panchayat to the ADC (D), shall be inquired by an IAS Officer, who shall be appointed again by the Director, Panchayats, within a period of 15 days from the date of passing of this order. However, report dated 02.3.2015 of the SDM shall not be taken into consideration because re-inquiry has been ordered. The Officer, who would now inquire the allegations made by respondent Nos.8 to 11, shall complete the inquiry within a period of three months from the date of receipt of certified copy of this order after associating both the parties.

Petition stands disposed of.

December 08, 2015
manoj

(RAKESH KUMAR JAIN)
JUDGE