

CWP-9827-2014

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

**CWP No. 9827-2014
Date of Decision: 19.01.2015**

Dharampal

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: Mr. Rishi Pal Rana, Advocate,
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Mr. N.S.Shekhawat, Advocate,
for respondent no.5.

Paramjeet Singh, J.(Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction to respondent no.2 to take action against respondent no.5 in accordance with the provisions under Section 51(1) (a), 51(1) (b) and 51(3) (e) of the Haryana Panchayati Raj Act, 1994 and not to allow respondent no.5 to deal with financial matters of the Gram Panchayat as he has been charge-sheeted under Sections 409/420 of the Indian Penal Code by the court of Judicial Magistrate Ist Class, Kurukshetra in FIR No.192 dated 2.08.2013 (Annexure P-3).

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I have heard learned counsel for the parties and perused the record.

Admittedly, respondent no.5 was elected as a Sarpanch. Only grievance of the petitioner is that no action is being taken by the authorities against respondent no.5 under Section 51 of the Panchayati Raj Act, 1994. Keeping in view the fact that FIR (Annexure P-3) has been registered and charge (Annexure P-4) has been framed against respondent no.5, the authorities shall take decision in view of Section 51 of the Panchayati Raj Act. Otherwise, in view of law laid down by the Full Bench in *Saktu Ram vs. State of Haryana and others* 1988 (2) PLR 65, instant petition would have been dismissed being not maintainable. However, keeping in view the larger interest of the society and the fact that elected member has been found to be indulging in criminal case, the authorities are directed to take decision and pass appropriate order within one month from the date of receipt of certified copy of this order.

Disposed of accordingly.

19.01.2015

parveen kumar

(Paramjeet Singh)
Judge