

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

LPA No. 366 of 2015. [O&M]

Date of Decision: 26th November, 2015.

Parkash Kaur

Appellant through

Mr. Raj Kumar Garg, Advocate

Versus

State of Punjab & Ors.

Respondents through

Mr. Rajesh Bhardwaj, DAG, Punjab.

Mr. S.S.Salar, Advocate, for Respondent
No. 4.

Mr. G.S.Kaura, Advocate.

CORAM: HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether Reporters of 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?**

SURYA KANT, J. [ORAL]

The appellant is the duly elected Sarpanch of Gram Panchayat of village Tiwana, Block Bhunerheri, District Patiala. She approached this Court challenging the orders dated 27.01.2015 and 04.02.2015 [P-11 and P-12] whereby the District Development and Panchayat Officer appointed firstly one Gurmail Singh and then Ajmer Singh – Panchayat Secretaries as the Administrators of Gram Panchayat for 30 and 60 days respectively. The appointment was made to enable the Administrators to 'utilise' the grants-in-aid released in favour of the Gram Panchayat for completion of development works.

[2]. Though the learned Single Judge dismissed the appellant's writ petition on an erroneous premise that due to infighting and dispute amongst the appellant – Sarpanch and the

Panches, the Administrator was rightly appointed, nevertheless the appellant continued to discharge the functions of Sarpanch as operation of the impugned orders dated 27.01.2015 and 04.02.2015 was stayed by this Court on 09.03.2015.

[3]. The above stated orders are *ex-facie* illegal, a brazen attempt to down play the institution of democracy at grass-root level and something more is visible behind appointment of the Administrators, namely, [mis]utilisation of the grants-in-aid received by the Gram Panchayat for completion of the development works. Suffice it to observe that if there is any in-fight amongst the Sarpanch and Panches, yet the appointment of an Administrator so as to set at naught the democratically elected Gram Panchayat, is not at all the solution. Such like power under the Statute can be resorted to only when the Sarpanch has incurred some disqualification of such a degree that he/she can not be permitted to discharge the official functions and the misconduct alleged against him/her might embarrass in the discharge of official functions.

[4]. For the reasons aforementioned, we allow the appeal; set aside the order of the learned Single Judge and quash the impugned orders.

[5]. Disposed of. Dasti.

(**SURYA KANT**)
JUDGE

November 26, 2015.
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(**HARI PAL VERMA**)
JUDGE