

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

LPA No. 540 of 2015 (O&M)

DATE OF DECISION : 08.04.2015

Balesh

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Narender Pal Bhardwaj, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 27.03.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 25376 of 2014) filed by the appellant challenging the order dated 03.12.2014 (Annexure P-1) passed by the Deputy Commissioner, Karnal, re-instating Krishan Lal (respondent No.5 herein) Sarpanch of Gram Panchayat Mirghan, District Karnal, has been dismissed.

Undisputedly, vide order dated 10.09.2014, respondent No.5 was placed under suspension under Section 51 (1) (a) of the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act'), on account of pendency of a criminal case (FIR No. 717 dated 30.07.2014 registered at

Police Station City Karnal under Sections 342, 366 and 376 IPC) against him. It is an undisputed fact that in the said criminal case, respondent No.5 was acquitted by the court of learned Additional Sessions Judge, Karnal, vide judgment dated 13.11.2014. While acquitting respondent No.5, the trial court also directed the initiation of proceedings against the prosecutrix for perjury. It is an admitted fact that till date, the said judgment of acquittal has not been challenged, either by the State or by the prosecutrix.

After his acquittal, respondent No.5 approached the Deputy Commissioner, Karnal, for revoking the suspension order and to re-instate him as Sarpanch of the village. The Deputy Commissioner, after taking into consideration the aforesaid judgment of acquittal, vide order dated 03.12.2014 (Annexure P-1) revoked the order of suspension of respondent No.5 and ordered his re-instatement as Sarpanch. The said order was challenged by the appellant by filing the aforesaid writ petition. In this case, the order dated 10.09.2014 suspending respondent No.5 as Sarpanch of the village was passed under Section 51 (1) (a) of the Act, merely on the registration of criminal case against him. The learned Single Judge while taking note of all these facts has dismissed the writ petition, by making observation that even if regular enquiry is pending, it is matter of discretion of the Deputy Commissioner to re-call the order of suspension of the Sarpanch and order his re-instatement as the basis of the suspension had been removed.

After hearing learned counsel for the appellant, we are of the opinion that the learned Single Judge has rightly dismissed the writ petition filed by the appellant, as in the facts and circumstances of the case, the Deputy Commissioner, Karnal, has rightly exercised the discretion by recalling the order dated 10.09.2014 suspending respondent No.5 and reinstating him as Sarpanch of the village. The appellant appears to be pursuing this matter for her own interest, as she being a Panch of the Gram Panchayat of the village is discharging the function of Sarpanch, in the absence of respondent No.5. Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 08, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE