

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.67 of 2015 (O&M)

Date of Decision:- 17.11.2015.

Rajiv Kumar

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Mr. B.S. Sidhu, Advocate for the appellant.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

None for respondent No.5.

SURYA KANT, J. (ORAL)

1.) The appellant assails the order dated 10.12.2014 passed by a learned Single Judge to the extent of the observations made against him with reference to the performance of his duties as a Panchayat Secretary. Those observations came to be made by the learned Single Judge in a writ petition filed by respondent No.5 who was not being handed over the record and charge of the office of Sarpanch though she was elected unanimously.

2.) Taking notice of the adverse comments against the appellant, the Head of the Department placed him under suspension.

3.) Having heard learned counsel for the parties, it appears to us that the learned Single Judge rightly intervened in the matter and directed the Authorities not to cause any impediment against performance of the duties of Sarpanch by respondent No.5. However, the observations or aspersions caused on the appellant need to be expunged, for he was not a party respondent and did not get an opportunity to explain his conduct.

4.) We are informed that in view of the interim order dated 1.4.2015, the appellant has been reinstated. Taking notice of all the attending circumstances and the settled legal position that the appellant ought to have been heard before making adverse comments against him, we allow this appeal in part and expunge the remarks made by learned Single Judge against the appellant. Resultantly, the action, if any, taken against the appellant pursuant to those remarks shall stand annulled and no adverse shall be taken against him. The appellant, however, is advised to be careful in future and should perform his duties diligently.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

November 17, 2015.

sandeep sethi