

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

CWP No.13175 of 2015 (O&M)
Date of Decision: 06.01.2016

Ram Pal

. . . .Petitioner

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.K.S. Dadwal, Advocate,
for the petitioner.

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

Mr.Parminder Singh Kanwar, Advocate,
for respondent No.4.

RAKESH KUMAR JAIN, J.

The petitioner is the Sarpanch of Gram Panchayat Village Dholbaha, Tehsil and District Hoshiarpur. He has challenged the order dated 20.11.2014 passed by the Director Rural Development and Panchayat, Punjab, exercising his power under Section 20(4) of the Punjab Panchayati Raj Act, 1994 [for short 'the Act'], suspending him from the post of Sarpanch and order dated 20.5.2015 passed by Special Secretary, Government of Punjab, dismissing the appeal of the petitioner filed under Section 20(6) of the Act.

In short, an application dated 10.12.2013 came to be filed against the petitioner regarding theft of trees in which a preliminary enquiry was conducted by the Deputy Chief Executive Officer, Zila Parishad, Hoshiarpur. During that enquiry, another enquiry report on similar allegation was submitted by BDPO,

Bhunga, which was also sent to the DDPO on 10.6.2014. On the basis of the enquiry report, a show cause notice dated 12.9.2014 was issued but the petitioner failed to submit his reply and then the suspension order dated 20.11.2014 was passed and the regular enquiry was entrusted to ADC(D), Hoshiarpur on 28.11.2014. The case set up by the petitioner is that he belongs to the Scheduled Caste and has been harassed by respondent No.4 because he opposed the shifting of the Government College, which was otherwise approved to be set up in village Dholbaha, as respondent No.4 wanted to shift the said college to her own native village.

Learned counsel for the petitioner has submitted that the order of suspension was conveyed to him on the FAX by respondent No.4 which itself is sufficient to prove her involvement. He has denied all the allegations of the alleged theft.

On the other hand, learned counsel for the respondents has submitted that there are serious allegations against the petitioner of removing/cutting of trees belonging to the Panchayat and has been put under suspension after preliminary enquiry report.

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

There is no dispute that the allegation against the petitioner has been enquired into before he was put under suspension and there is no substantial reason for this Court to interfere in the order of suspension at this stage. At the same time, it cannot be ignored that the petitioner did not give reply to the show cause notice.

Thus, in view of the aforesaid facts and circumstances, there is no reason to interfere in the impugned order but it may be a matter of concern to keep the petitioner under suspension for a long time curtailing his term as a Sarpanch of the Gram Panchayat, therefore, the present petition is hereby dismissed but with a direction to the respondents to complete the regular enquiry, being held against the petitioner, during the period he has been put under suspension, as early as possible, preferably within a period of one month from the date of passing of this order.

A copy of this order be immediately sent to the respondents for compliance.

06.01.2016*Vivek***(RAKESH KUMAR JAIN)
JUDGE**