

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

**Civil Writ Petition No. 13334 of 2016
Date of Decision: 12.7.2016**

Manjit Kaur

....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Hemen Aggarwal, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the appellate order dated 25.5.2016 (Annexure P-18) passed by respondent No.2, whereby appeal of the petitioner against her suspension order, was dismissed.

Learned counsel for the petitioner submits that cancellation of petrol pump is already under challenge before this Court by way of separate writ petition. He further submits that since cancellation of license for petrol pump by Bharat Petroleum had not attained finality, it was thought appropriate by the petitioner, being Sarpanch, to collect rent from Prem Kumar, who happens to be her brother-in-law. He concluded by submitting that in such a situation, there was no occasion for the respondent authorities to put the petitioner under suspension. He prays for setting aside the impugned order by allowing the present petition.

Having heard learned counsel for the petitioner at considerable length and after giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, the impugned orders passed by the respondent authorities have not

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been found suffering from any patent illegality or perversity and the writ petition is liable to be dismissed.

It is not in dispute that license for petrol pump granted in favour of Sh. Prem Kumar who is none else but brother-in-law of the petitioner, stood cancelled by the competent authority of Bharat Petroleum. It is also not in dispute that said cancellation order has not been stayed by this Court. Once it is so, petitioner had no authority to collect rent from Sh. Prem Kumar. By doing so, petitioner has miscondacted herself as Sarpanch, while acting against the interest of Gram Panchayat. Further, the impugned suspension order (Annexure P-17), shows that suspension of the petitioner is subject to the outcome of enquiry.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned orders. It also goes without saying that if in the enquiry, petitioner comes clean of the charges levelled against her, natural consequences would follow. As of now, no ground for interference in the impugned orders passed by respondent authorities has been made out.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

12.7.2016
AK Sharma