

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.18453 of 2016 and other connected matters

Date of decision:6.9.2016

Bhagwant Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.B.S.Ichhewal, Advocate for the petitioner(s).

RAMESHWAR SINGH MALIK, J. (Oral)

This batch of four writ petitions bearing CWP Nos.18453, 18454, 18456 and 18462 of 2016 is being decided vide this common order, as all these writ petitions arise out of exactly similar facts. However, for the facility of reference, facts are being culled out from **CWP No.18453 of 2016** (Bhagwant Singh Vs. State of Punjab and another).

The present writ petition is directed against the impugned order dated 25.5.2016 (Annexure P-1) passed by respondent No.1, whereby appeal of the petitioner(s) against the suspension order dated 3.2.2016 (Annexure P-2) was dismissed and their suspension order was upheld.

Heard learned counsel for the petitioner(s).

It has gone undisputed before this Court that FIR No.279 dated 2.9.2015 has been registered against all the four petitioners. After conclusion of investigation, police report under Section 173 (2) of the Code of Criminal Procedure was presented to the learned court of competent jurisdiction. Thereafter, the learned trial Court is seized of the matter. This was the reason that petitioners were placed under suspension by the Director

Rural Development and Panchayat Department, Punjab-respondent No.2 vide impugned order dated 3.2.2016 (Annexure P-2).

Feeling aggrieved against the above-said suspension order(s), petitioners filed their respective appeals before the appellate authority. After hearing learned counsel for the parties, the appellate authority did not find any substance in the appeals filed by the petitioners and the same were dismissed vide identical orders dated 25.5.2016 (Annexure P-1).

A bare combined reading of the impugned orders Annexures P-1 and P-2 passed by the respondent authorities would show that neither the Director Rural Development and Panchayat Department, Punjab nor the Secretary of the Department committed any error of law, while passing their respective impugned orders and the same deserve to be upheld. It is so said because the petitioners are facing criminal trial. Section 20(3) of the Punjab Panchayati Raj Act, 1994 is very clear in this regard. Once the respondent authorities have proceeded on true facts and passed the impugned orders, strictly in accordance with law, the same have not been found suffering from any patent illegality or perversity, because of which the impugned orders deserve to be sustained.

At this stage, learned counsel for the petitioners submits that let respondent No.2 ensure early conclusion of the regular enquiry against all the petitioners so that a sword of suspension may not keep on hanging on their heads for unduly long period. This contention raised by the learned counsel for the petitioners has been found worth acceptance.

Accordingly, while upholding the above-said impugned suspension order and appellate order, Annexures P-1 and P-2, respectively, Director Rural Development and Panchayat Department, Punjab-respondent

No.2 is directed to look into the matter and ensure that regular enquiry against the petitioners is concluded at an early date by passing an appropriate order, strictly in accordance with law.

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 the since the impugned orders have been found factually correct and legally justified, no fault can be found with any of the impugned orders, which are hereby upheld.

Resultantly, with the above-said observations made and directions issued, all these writ petitions stand disposed of, however, with no order as to costs.

6.9.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No