

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

CWP no.2398 of 2016 (O&M)

Date of Decision :05.02.2016

Gajjan Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Tribhawan Singla, Advocate for the petitioner

MAHESH GROVER, J.

The petitioner impugns the order dated 30.12.2015 by which the suspension order against the private respondents no.4 and 5 has been revoked.

Learned counsel for the petitioners contends that there are serious allegations against respondent nos 4 and 5 and his family members of grabbing the Panchayat land and other irregularities which are duly established. Even this Court has also commented adversely against the said respondents but despite this suspension order has been revoked.

A perusal of the impugned order indicates that the suspension has been revoked on the ground that the reasoning given in order of suspension (Annexure P-4) was found to be unsustainable. It may be noticed that while suspending the petitioner vide order dated 4.12.2015 the Director, Rural Development and Panchayat, Punjab had observed that a change in counsel has

been effected by the private respondents and on the basis of which the allegations against Sarpanch are proved.

On due consideration of the matter, I am of the view that this reasoning by the Director, Rural Development and Panchayat, Punjab, is not sustainable and therefore, if an interference has been granted by the competent authority in impugned order there would be no reason to differ with the same as merely because a change of counsel is effected would not ipso facto lead to an inference of correctness of the allegations against the Sarpanch.

However, Joint Development Commissioner while passing the impugned order has over-looked the fact that there is an inquiry establishing the charge against the respondents no. 4 and 5 and there is some other material which comments adversely on the conduct of the Sarpanch. In this eventuality it ought to have remanded the matter back to the Director, Rural Development and Panchayat, Punjab to have a fresh look at the matter. Writ petition is, therefore, disposed of with a direction that the Director, Rural Development and Panchayat, Punjab would look into the entire matter and pass a reasoned order regarding suspension of respondent nos.4 and 5. Let needful be done as expeditiously as possible, preferably within a period of three months from the date of receipt of the certified copy of this order.

February 05, 2016

(Mahesh Grover)

Judge