

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

CWP No.2831 of 2016

Date of Decision :12.2.2016

Gurcharan Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present: Mr.Vikram Preet Arora, Advocate
for the petitioner.

MAHESH GROVER.J.

The petitioner impugns the order Annexure P-2 by which suspension of the Sarpanch was revoked.

It may be noticed that the Sarpanch was suspended on account of the allegation that she permitted a suspended Panch to participate in the proceedings.

Learned counsel for the petitioner contends that in view of the provisions of Section 20(5) of the Punjab Panchayati Raj Act, 1994 a Panch or Sarpanch who has been suspended is ineligible to participate in any meeting and since the Sarpanch permitted such a suspended person to participate in the proceedings, she was guilty of misconduct.

The Joint Commissioner has revoked the suspension of the Sarpanch by accepting her plea attributing the participation of the suspended person due to inadvertence. It has further been noticed that no loss has been caused to the Panchayat.

On due consideration of the matter I am of the opinion

that indeed the participation of a suspended Panch or Sarpanch in the meetings is not permissible in law. However, since the plea of inadvertence has been accepted and it has further been noticed that it did not result in any serious repercussion or loss to the Panchayat, I am of the view that the order of the Joint Commissioner need not be interfered with. If the quorum of the meeting in which the suspended Panch participated was in question, evidently the resolution passed in that meeting would necessarily be liable to annulment.

No ground to interfere.

Dismissed.

12.2.2016
dss

(MAHESH GROVER)
JUDGE