

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6598 of 2016
Date of Decision: April 11, 2016

Surinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Raj Kumar Garg, Advocate,
for the petitioners.

Mr. N.P.S. Mann, Advocate,
for the caveator/respondent no.4.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 20.01.2016 (Annexure P/9) passed by Joint Development Commissioner/Special Secretary, Punjab Government whereby suspension of Rachhpal Kaur – respondent no.4 has been set aside.

Learned counsel for the petitioners contends that work for disposal of dirty water has not been done in accordance with resolution dated 10.01.2014 (Annexure P/2).

I have considered the contention raised by learned counsel for the petitioners and perused the record.

The Joint Development Commissioner/Special Secretary in his order dated 20.01.2016 (Annexure P/9), after perusal of the record, has

recorded the following finding:-

“Keeping in view the arguments of both the parties, I have reached the conclusion that in this case Director placed the appellant Sarpanch under suspension on the ground that by constructing the drain for disposal off dirty water, he has caused loss to the panchayat. In this regard the Gram Panchayat had passed a resolution on 10.01.2014 for the construction of the drain for disposal off dirty water and the work was initiated after the resolution was passed in accordance with rules. In this regard after the completion of the work, utilization certificate was also issued and on this certificate there are signatures of the A.E. of the Department. In this way the whole work was done according to stipulated terms and conditions. In view of these facts the allegations leveled against the appellant are not proved. In this way by agreeing with the arguments raised by the appellant, his appeal is accepted and he is reinstated in the office of Sarpanch. It is made clear here that the above-mentioned observations will not affect the pending regular enquiry.”

Perusal of impugned order dated 20.01.2016 clearly indicates that the work has been done in pursuance of resolution dated 10.01.2014 passed by the Gram Panchayat for disposal of dirty water. Specific finding has been recorded by the authorities that the drain has been constructed according to the terms and conditions and there is no illegality in doing the work. The allegations levelled against respondent no.4 are not held to be proved. There is no evidence brought on record except the resolution. Otherwise also, the petitioners have not impleaded the entire panchayat as a party, only Sarpanch has been impleaded as party respondent. The Sarpanch alone is not liable for the works carried out in pursuance of resolution.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed with costs of Rs.2500/- to be deposited with the Punjab State Legal Services Authority, failing which the same shall be recovered as arrears of land revenue.

April 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge