

Sr.No.125

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

CWP No. 13546 of 2017

Date of decision:03.07.2017

Naveen Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for seeking a direction to respondent No. 2 to consider the reply filed to the show cause notice dated 3.03.2017 served by him upon the petitioner.

In short, the petitioner was elected as Sarpanch from the backward class category of Gram Panchayat Chandraon, Block Indri, District Karnal. There was allegation against him of having been involved in a case pertaining to Narcotic Drugs and Psychotropic Substances Act, 1985 in which he was convicted for a period of 10 years and a fine of ₹ 1 lakh was also imposed. The petitioner filed criminal appeal bearing CRA-S-858-SB of 2016 before this Court in which he has been granted bail. The fact remains that the conviction of the petitioner still not been stayed by this Court. However, respondent No. 2 served a show cause notice dated 3.03.2017 upon the petitioner in respect of the aforesaid criminal case asking him as to why he should not be removed from the post of Sarpanch. The petitioner is stated to have filed reply on 3.04.2017.

It is submitted that on one hand, the reply has not been

considered and no decision has been taken by respondent No. 2 in terms of Section 51 of the Haryana Panchayati Raj Act, 1994 and on the other hand, the petitioner is not being allowed to resume his charge as Sarpanch.

I have heard learned counsel for the petitioner and after examining the available record, am of the considered opinion that respondent No. 2 is required to decide the issue, raised by him in the show cause notice dated 3.03.2017, one way or the other. Consequently, respondent No. 2 is directed to take into consideration the reply to the show cause notice(Annexure P-4) and decide the issue raised by him by way of show cause notice(Annexure P-3) as early as possible, preferably within a period of one month from the date of receipt of certified copy of this order.

3rd July, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No