

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13639 of 2017
Date of Decision: 03.07.2017

Sumittar Singh

....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.C.L. Premy, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by the Sarpanch, who has been put under suspension by order dated 17.8.2016 passed under Section 20(4) of the Panjab Panchayati Raj Act, 1994 [for short 'the Act'], to challenge the said order as well as the order passed by the Appellate Authority in his appeal filed under Section 20(6) of the Act.

In short, the petitioner was elected as Sarpanch of Gram Panchayat Patti Bolewal, Block Tanda, District Hoshiarpur. A complaint was made against him in which a preliminary enquiry was conducted and before he was put under suspension a *show cause notice* was served upon him in order to grant him a personal hearing.

Learned counsel for the petitioner is fair enough to contend that the *show cause notice* was given to the petitioner but he did not appear before the concerned authority to bring to its notice the alleged falsity of allegations made against him which has been found in the preliminary enquiry. Since, the petitioner did not appear, therefore, the Director, Rural

Development and Panchayats Department recorded in his order that “*in spite of issuing notice to the Sarpanch, for personal hearing, he is not coming present to the office, proves that he admits the allegation leveled by the enquiry officer and he does not want to say anything in his favour*”. Accordingly, the order was passed under Section 20(4) of the Act putting the petitioner under suspension till the regular enquiry is conducted. The petitioner, aggrieved against the said order, filed appeal under Section 20(6) of the Act, which was disposed of though by a short order dated 21.2.2017 but it has been opined that DRDP may conduct thorough enquiry to conclude the role of Sarpanch.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in order to put him under suspension.

I have heard learned counsel for the petitioner.

In this case the petitioner did not appear before the concerned authority despite receiving the *show cause notice* and had an opportunity of personal hearing. The concerned authority had no other mechanism to secure the presence of the said delinquent in order to elicit his version before passing the order. Therefore, in such circumstances, Director, Rural Development and Panchayats Department, while passing the impugned order dated 17.8.2016, has rightly observed that despite receiving of *show cause notice* and affording personal hearing, the petitioner did not come present to the office to put forward his case and finding no alternative observed that the petitioner has admitted the allegations leveled by the enquiry officer and put him under suspension during enquiry. The Appellate Authority has also directed Director, Rural Development and Panchayats Department to conduct thorough enquiry in order to conclude the role of Sarpanch.

Accordingly, I do not find any merit in this petition and the same is thus hereby dismissed.

03.07.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No