

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

**CWP No.15961 of 2017
Date of Decision: 24.07.2017**

Savinder Singh Sarpanch

....Petitioner

Vs.

Financial Commissioner, Rural Development and Panchayat, Punjab and
others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.L.S. Sidhu, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by the Sarpanch, who has been put under suspension by the Director vide his order dated 14.6.2016 in terms of Section 20(5) of the Punjab Panchayati Raj Act, 1994 [for short 'the Act'] and against the order of the Financial Commissioner dated 11.5.2017 by which the appeal filed by the petitioner under Section 20(6) of the Act has also been dismissed.

Shorn of unnecessary details, learned counsel for the petitioner has submitted that the *show cause notice* was issued to the petitioner on 7.6.2016 asking him to appear before the Director on 14.6.2016. It was made clear that in case of his absence, it would be understood that he does not want to say in his defence. It is submitted that the petitioner was served with a notice on 14.6.2016 and on the same day, the impugned order was passed by the Director.

Learned counsel for the petitioner has submitted that before passing the impugned order, the Director should have associated the

petitioner. However, the petitioner has not said a word that he was not associated by the Director when the order was passed on 14.6.2016 rather an averment has been made in the petition that he was served a notice for 14.6.2016 when the order was passed.

To my mind, the *show cause notice* was very specific in regard to the presence of the petitioner for the purpose of putting his defence otherwise the allegations against the petitioner is that he has been found involved in two criminal cases registered vide FIR No.51 dated 26.3.2014 under Section 304-A of the IPC and FIR No.94 dated 14.4.2015 under Sections 61/1/14 of the Central Excise Act, 1944. The petitioner had appeared before the Director and put his defence but the Director did not agree with him and passed the impugned order dated 14.6.2016. The Appellate Court has also approved the order of the Director by observing that the petitioner has been found involved in two criminal cases and the Sarpanch being the elected representative would be using his judicial power under the Act and the registration of the two FIRs against him is not good for his character and put him under suspension.

Learned counsel for the petitioner has submitted that merely by registration of criminal cases, the petitioner cannot put under suspension. In this regard, he has relied upon a Full Bench judgment of this Court rendered in "*Kashmiri Lal Vs. Deputy Commissioner, Sonapat and others*" 1980 PLJ 222.

I have heard learned counsel for the petitioner and perused the record.

Section 20(3) of the Act deals with the power of the Director to put Sarpanch or Panch under suspension, which read as under: -

“20(3) The Director may Suspend any Sarpanch or Panch where a case against him in respect of any criminal offence is under investigation, enquiry or trial if, in the opinion of the Director, the charge made or proceeding taken against him is likely to embarrass him in the discharge of his duties or involves moral turpitude or defect of character.

The powers given to the Director are unambiguous because it is provided in the Act that he can put Sarpanch under suspension in case of pendency of criminal case against him on the ground that the pendency of the case either embarrass him in the discharge of his duties or involves moral turpitude or defect in his character. In the order passed by the Director, it has been specifically observed that the registration of two criminal cases against the petitioner would show that he is not a man of good character. Thus, the authorities under the Act have followed the provisions of Section 20(3) of the Act.

Insofar as the judgment relied upon by the petitioner, rendered by this Court in the case of ***Kashmiri Lal (Supra)*** is concerned, it is not at all applicable.

In view of the aforesaid discussion, I do not find any merit in the present petition and as such the same is hereby dismissed.

24.07.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No