

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

**C.W.P. No.17233 of 2017
Date of Decision:04.08.2017**

Bhaini Sahib Welfare Committee Petitioner

Vs.

State of Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. J.S. Toor, Advocate for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed by Bhaini Sahib Welfare Committee of the Village to challenge the order dated 11.05.2017 (Annexure P.15) passed in appeal by the Secretary, Department of Rural Deveopment and Panchayats, Punjab (for short, 'the Secretary').

In brief, an inquiry was conducted against respondent No.4 at the instance of the petitioner and others for the alleged embezzlement of the funds of the Panchayat. The Divisional Deputy Director found the allegations against respondent No.4 proved in his inquiry and relying upon the said inquiry report, the competent authority, namely, Director Rural Development and Panchayats, vide his order dated 26.07.2016, passed the order of removal of respondent No.4 with immediate effect, while exercising his powers under Section 20(1) and (2) of the Punjab Panchayati Raj Act, 1994 (for short, 'the Act'). Aggrieved against the order of the Director, appeal under Section 20(6) of the Act was filed by respondent No.4 before the Appellate Authority. The impugned order dated 26.07.2016 was stayed on 24.08.2016 and then another order was passed on

11.05.2017 by the Appellate Court directing the ADC(D), Ludhiana to hold a fresh inquiry about the allegations of embezzlement.

I have heard learned counsel for the petitioner. The petitioner was, of course, not before the Secretary when the impugned order dated 11.05.2017 was passed, therefore, I relegate petitioner to file an application before the Secretary to recall the order dated 11.05.2017 as according to him once an inquiry has already been conducted in which respondent No.4 has been found guilty, fresh inquiry could not have been initiated. In case any such application is filed for recalling of the order dated 11.05.2017, the Appellate Authority shall decide the same forthwith by giving an opportunity of hearing to respondent No.4 as well.

With these observations, the present petition is hereby disposed of.

August 04, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No