

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19353 of 2017

Date of Decision: 28th August, 2017

Harinder Singh

....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Avnish Mittal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Learned counsel for the petitioner has submitted that a preliminary enquiry was held against the petitioner for alleged embezzlement. During the pendency of the enquiry, petitioner moved an application to the Director, Rural Development and Panchayats, Punjab for transferring the enquiry outside District Fatehgarh Sahib. It is submitted that on his request, the enquiry has been handed over to respondent No.5. However, while the enquiry is with respondent No.5, the respondent No.4 has completed the enquiry vide his report dated 1.8.2017 and thereafter the petitioner has been served with a notice dated 17.8.2017 to appear before the Director, Department Rural Development and Panchayat on 28.8.2017 to defend himself against the findings recorded in the preliminary enquiry. Instead of appearing before the competent authority, the petitioner has filed this petition alleging that the petitioner has been victimized on political grounds.

I have heard learned counsel for the petitioner and after examining the available record, am of the considered opinion that at this stage, the writ petition is premature because the petitioner has been granted an opportunity of personal hearing by respondent No.2 to show cause as to why the enquiry conducted against him be not accepted and further action be not initiated in terms of the Punjab Panchayati Raj Act, 1994. The petitioner may, if so advised, appear before respondent No.2 and raise all the pleas available to him as have been raised in the present petition and respondent No.2 is directed to consider all his pleas and decide the same in accordance with law by passing a speaking order.

Disposed of.

A copy of this order be given to counsel for the petitioner under the signature of Special Secretary of this Court.

28th August, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*