

CWP No.24132 of 2017

[1]

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

**CWP No.24132 of 2017
Date of decision:25.10.2017**

Raju Sarpanch

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Pawan Attri, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 03.04.2017 passed by the Deputy Commissioner, Kaithal, by which he has been put under suspension, and the order dated 26.09.2017 passed by the Principal Secretary to Government of Haryana, Development and Panchayats, by which his appeal has been dismissed.

The petitioner was elected as Sarpanch of village Andhli, Block Siwan, District Kaithal. He was served with the show cause notice on 02.03.2017 on the allegation that he had spent ₹5,99,070/- on the construction of streets of the private persons by misusing the funds of the Gram Panchayat. In the inquiry held by the Block Development and Panchayat Officer, Siwan, it was found that the petitioner has raised construction of the street in front of the houses of private persons, which land is not recorded in the revenue record as 'street', and misused his office of Sarpanch in order to give benefit to the private persons.

After issuance of the show cause notice and personal hearing, the

Deputy Commissioner found it to be a case of regular inquiry and, thus, placed the petitioner under suspension.

Aggrieved against the said order, the petitioner filed appeal under Section 51 of the Haryana Panchayati Raj Act, 1994, but the said appeal was also dismissed vide order dated 26.09.2017, holding that the petitioner has committed a misconduct in discharge of his duties by constructing the street in the land of the private persons and also did not get the land in lieu thereof from those persons for the Gram Panchayat.

Counsel for the petitioner has argued that the street has been constructed only after the resolution was passed by the Gram Panchayat and, thus, he has tried to absolve himself from the responsibility.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that there is no error in the impugned orders because it is not disputed by the petitioner that the street has been constructed in the land of the private persons from the panchayat funds, causing loss to the Gram Panchayat to the tune of ₹5,99,070/- and the Sarpanch did not even care to protect the interest of the Gram Panchayat, much-less by getting the land from the private persons in lieu of the amount spent from the panchayat funds.

In view thereof, I do not find any error in the impugned orders and hence, the present petition is hereby dismissed, being denuded of any merit, though without any order as to costs.

October 25, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No