

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.29180 of 2017
Date of Decision: 20.12.2017

Somnath

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

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

Present: Mr.Sukhvinder Singh Nara, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is the Sarpanch of the Gram Panchayat, Village Shahzadpur, District Ambala, who is aggrieved against the orders dated 19.7.2017 passed by respondent No.2 and 25.9.2017 passed by respondent No.1 by which he has been placed under suspension.

In brief, one Rajesh Goyal, Member Panchayat of Ward No.20 of the Gram Panchayat Village Shahzadpur, District Ambala made a complaint through CM window bearing No.108216 against the petitioner for purchasing non-branded street lights from a bogus firm @ ₹4,000/- which was available in the market @ ₹1500/-. The complaint was sent to the Executive Engineer (Electrical), Panchayati Raj, Ambala, who got the investigation conducted from SDO (Electrical), Panchayati Raj, Ambala. As per the enquiry report dated 7.2.2017, total 230 street lights of 30W were purchased from Raman Electrical, Village Chappriya, District Karnal for a sum of ₹6,18,850/- and ₹2,15,000/- for which no estimate was prepared nor

bills were got verified from the competent authority. On the basis of the enquiry report, a show cause notice was issued to the petitioner under Section 51 of Haryana Panchayati Raj Act, 1994 [for short 'the Act']. The matter was reinvestigated because the petitioner had alleged that he was not joined in the investigation and in the report dated 22.5.2017, it was mentioned that the petitioner has changed non-branded LED street lights with the branded street lights i.e. 80 Nos. with havells make and 150 nos. with Crompton make which are approved from PWD (B&R) Electrical. As per the enquiry report, no estimate was prepared by the petitioner, violating Rule 140 of the Haryana Panchayati Raj Finance, Budget Account Audit, Taxation Works Rules, 1996. The Deputy Commissioner, Ambala, after taking into account the enquiry report, held that had there been no complaint then the petitioner would not have replaced the non-branded street lights with the branded street lights and thus suspended him from the post of Sarpanch.

Aggrieved against the said order, the petitioner had filed appeal before respondent No.1 which was also dismissed vide impugned order dated 19.7.2017.

Learned counsel for the petitioner has argued that the petitioner was not heard and was not associated with the enquiry which is patently erroneous, on the basis of the record because notice was sent to the petitioner and matter was even reinvestigated and it has been found that the petitioner has replaced the non-branded street lights with the branded street lights only after the complaint.

Thus, in my considered opinion, there is hardly any reason for this Court to interfere in a well considered orders passed by both the competent authorities by which the petitioner has been put under suspension.

Dismissed.

20.12.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>