

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

CWP No.4373 of 2017

Date of Decision.03.03.2017

Vinod Kumar

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The contention of the petitioner is that on the basis of complaint, the private respondent-Sarpanch was removed. A statutory appeal under the Haryana Panchayati Raj Act was filed and the Additional Chief Secretary, Government of Haryana, Development and Panchayats without issuing notice to the complainant or the Deputy Commissioner, has allowed the appeal. In support of his contention, relies upon the order dated 11.01.2017 passed in CWP No.185 of 2017 whereby this Court while setting aside the order, remitted the matter back on the premise that there was no compliance of principles of natural justice.

I have heard learned counsel for the petitioner and appraised the paper book, particularly the impugned order (Annexure P-4). On reading of the aforementioned order, the fact emanated is that on receipt of the complaint, a preliminary enquiry was got conducted by the Deputy Commissioner from District Elementary Education Officer, resulting into removal of the Sarpanch. The finding in the impugned order is that the removal should have been done only by way of regular enquiry.

I am in full agreement with the aforementioned finding. At the

best, the Sarpanch could have been suspended but not removed. No person can be condemned unheard, thus, the order under challenge is perfectly legal and justified.

The grievance of the petitioner is that while setting aside the order of removal dated 13.10.2016, the Deputy Commissioner, Yamuna Nagar was directed to conduct a regular enquiry but no steps have been taken so far. This Court is sanguine of the fact that the order under challenge, particularly the penultimate paragraph issuing directions, shall be adhered to and regarded in the letter and spirit.

While upholding the order under challenge, the writ petition is disposed of with the above observations.

(AMIT RAWAL)
JUDGE

March 03, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No