

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7458 of 2017 (O&M)

Date of Decision: 17.11.2017

KAMLESH DEVI

...Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Komal Abrol, Advocate,
for Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Mr. Vishal Garg, Addl. A.G., Haryana.

Mr. Vikram Singh, Advocate,
for the complainant.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for the issuance of a writ in the nature of certiorari for quashing the order dated 05.12.2016 passed by respondent No. 2 by which the petitioner has been put under suspension and order dated 28.03.2017 vide which respondent No. 1 has dismissed the appeal.

At the time of issuance of notice of motion, this Court had ordered that the petitioner shall continue to hold the charge in view of the enquiry report.

Learned counsel for the complainant has submitted that the petitioner was put under suspension during the pendency of the regular enquiry which has now been concluded and the report has been submitted to the Deputy Commissioner, Ambala on 18.08.2017. It is further submitted that now respondent No. 2-Deputy Commissioner, Ambala is to take a decision on the basis of the enquiry report as to whether the petitioner has to be allowed to hold the post of Sarpanch or has to be removed.

It is submitted that till the said decision is taken by the competent authority, much less respondent No. 2, the petitioner may be allowed to continue as Sarpanch.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that the petitioner was placed under suspension during the pendency of the regular enquiry which has now been over but no further decision has been taken by the competent authority in terms of the said enquiry report.

Therefore, this petition, as of now, has become infructuous, but the petitioner would continue as Sarpanch till the competent authority i.e. respondent No. 2 takes a decision, one way or the other, on the basis of the enquiry report.

Accordingly, the petition stands disposed of as infructuous.

November 17, 2017

Suresh Kumar

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No