

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

LPA No.1330 of 2017 (O&M)

Date of Decision : 31.07.2017

Kamaldeep Singh

....Appellant

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

...

Present: Mr. Amit Aggarwal, Advocate
for the appellant.

...

MAHESH GROVER, J. (Oral)

The appellant is aggrieved of the order of the learned Single Judge dated 10.05.2017. He being a Sarpanch faced allegations of irregularity including financial impropriety leading to his suspension and a regular inquiry. He challenged the order of suspension in appeal. The regular inquiry in the meantime indicted him. The Financial Commissioner vide his order dated 10.04.2017 directed the DRDP to examine the reports of the Inquiry Officer-ADC(D) and the BDPO with a mandate to take action as per law. The stay in the proceedings before the Financial Commissioner was vacated while disposing of the matter. Against this order the appellant preferred writ proceedings which have now been dismissed by the learned Single Judge. It has been contended that the removal of the appellant is contrary to the provisions of law.

After hearing the learned counsel of the appellant we are of the opinion that there is no merit in the appeal. The appellant was

merely suspended from the post of Sarpanch and he continued to function under the orders of the authorities who had placed a restraint on his suspension during the process. Once the regular inquiry report has come into existence indicting the appellant, the order of the Financial Commissioner cannot be faulted with for remanding the matter back to the authority to consider the report and pass an order. There is no inherent right in the appellant to insist on a stay order which lies in the discretion of the authority determining the proceedings before it. Once the Financial Commissioner had the report of the competent authority indicting the appellant on the charge of financial impropriety, he was very well within his right to either vacate the restraint order or mould the relief appropriately.

Learned counsel for the appellant then contends that no notice as yet has been issued to him. There is absolutely no reason to doubt that the authority concerned would do so in due course of time.

Apart from this, the appeal is also barred by an inordinate delay of 41 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.

(MAHESH GROVER)
JUDGE

31.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No