

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

**LPA No. 423 of 2017 (O&M)
Decided on : 25.04.2017**

Sanjay

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. RKS Brar, Addl. AG, Haryana.

Mr. Bikram Chaudhary, Advocate
for respondent No.3.

AJAY KUMAR MITTAL, J. (Oral)

Learned State counsel has filed a short affidavit of Mr. Arvind Malik, District Development & Panchayat Officer, Hisar, on behalf of respondents No.1 & 2, in Court today, which is taken on record, subject to all just exceptions.

2. In para 3 of the short affidavit, it has been stated that Rajbir Singh, Sarpanch of Gram Panchayat, Khedar, after affording an opportunity of personal hearing and after considering the reply to Show Cause Notice, has been removed from the post of Sarpanch by the Deputy Commissioner, Hisar. Para 3 of the said short affidavit reads thus:-

“3. That after receiving the order passed by the Additional Chief Secretary to Government of Haryana, Development & Panchayat Department on dated 15-02-2017 and regular enquiry report conducted by the Sub Divisional Officer (Civil) Barwala. The case was examined by the

deputy Commissioner, Hisar. After personally heard the Sarpanch of Gram Panchayat, Khedar and after going for the documents placed on file and after considering the reply of Show Cause Notice Sh. Rajbir Singh, Sarpanch, Gram Panchayat, Khedar has been removed from the post of Sarpanch by the Deputy Commissioner, Hisar vide order memo no. Panchayat/PA/2017/368-74 dated 24-04-2017 under section 51(3)(c) of the Haryana Panchayati Raj Act, 1994. Therefore action has been taken by the Deputy Commissioner, Hisar on regular enquiry report. Submitted by Sub Diviaional Officer (Civil), Barwala.”

3. This fact was not disputed by the learned counsel for the parties. In view of the above, it was stated that the present Letters Patent Appeal (in short 'LPA') has been rendered infructuous and may be disposed of as such.

4. Learned counsel for respondent No.3 prayed that respondent No.3 may be allowed to take recourse to the alternative remedies to challenge the order of removal, in accordance with law. Needless to say that it shall, however, be open to respondent No.3 to take recourse to the statutory remedies as may be available to him, against the order of removal, in accordance with law.

5. The LPA stands disposed of accordingly.

(AJAY KUMAR MITTAL)

JUDGE

(RAMENDRA JAIN)

JUDGE

April 25, 2017

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No