

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

CWP-11432-2018  
Date of decision: 09.05.2018

Veer Kaur

.... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr.M.S.Sidhu, Advocate  
for the petitioner.

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**Avneesh Jhingan, J.**

The petition has been filed for quashing of notice dated 05.04.21018 (Annexure P-2) issued by respondent No.3 i.e. Block Development and Panchayat Officer, Ajnala, District Amritsar on the basis of enquiry conducted by Assistant Engineer.

The petitioner is Sarpanch of village Hashampura, Block Ajnala, District Amritsar.

Respondent No.1 is State of Punjab, respondent No.2 is Director, Rural Development and Panchayats Department, Punjab and respondent No.3 is Block Development and Panchayat Officer, Ajnala, District Amritsar.

The brief facts are that there was a complaint of embezzlement in the development work done by Gram Panchayat, Hashampura, in the year 2016-17. Assisstant Engineer was deputed to look into the matter. On his report, notice dated 05.04.2018 (Annexure P-2) was issued by respondent No.3.

The grievance raised is that notice issued is in violation of Section 216 of Punjab Panchayati Raj Act, 1994 (for short, 'the Act').

Learned counsel for the petitioner contends that as per Section 216(2)

of the Act, the inquiry was not conducted by Block Development and Panchayat Officer and loss if any could be assessed only as per procedure prescribed under Section 216 of the Act.

For the view taken while disposing of the petition, it is not necessary to issue notice to respondents.

Section 216(2) of the Act is quoted below:-

*"The Block Development and Panchayat Officer concerned, may, on the application, of a Gram Panchayat or otherwise, and after giving the member concerned an opportunity to explain, assess, by order, in writing the amount due from him on account of such loss, waste or misapplication."*

As per sub section 216(2), it is the BDPO who has to give an opportunity to explain, assess, by order, in writing the amount due from the Sarpanch, on account of loss, waste or misappropriation of money or property belonging of Panchayat.

Vide Annexure P-2 dated 05.04.2018, BDPO has provided opportunity to the petitioner to explain his position. The apprehension of the petitioner that it is not a notice but a direction, is not well founded.

Without expressing any opinion on the merits of the case, the petition is disposed of with a direction that the proceedings initiated vide Annexure P-2 will be conducted by the respondents in accordance with the provision of Section 216 of the Act.

09.05.2018  
*anju*

(AVNEESH JHINGAN)  
JUDGE

1. Whether the order is speaking/reasoned : Yes/No
2. Whether the order is reportable : Yes/No