

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

**CWP-17058-2017 (O&M)
Date of decision : 28.05.2018**

Garib Dass

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

Mr. Sandeep Khunger, Advocate,
for respondent No.4.

JITENDRA CHAUHAN, J. (Oral)

The petitioner is, *inter alia*, aggrieved against order dated 07.07.2017 (Annexure P-12), whereby, the order of reinstatement of the petitioner dated 04.07.2017 (Annexure P-11), has been recalled and the petitioner has been again placed under suspension.

Heard.

Order dated 17.01.2017 (Annexure P-9), whereby, the petitioner was initially placed under suspension was passed in pursuance of complaint (Anenxure P-2) moved by one Chanan Singh, a voter of the area, on the allegation that the petitioner was seeking votes for Akali Dal-BJP and

getting himself photographed with them. On the basis of the complaint, the Executive Officer, Municipal Council was directed to conduct an inquiry. During the inquiry, after hearing the petitioner, the Executive Officer, Municipal Council recorded that *“it appears from the above noted statement that said employee has not participated in any political activity, as the said incident took place on the next day from implementation of Model Code of Conduct. Moreover the said gathering was to discuss regarding removal of President, Municipal Council, Khanna from his post by the government.”* Again on the request of BDPO, another inquiry was ordered to be conducted wherein, Surjit Kumar and Harsimran Jit Singh were summoned and their statements were recorded to the effect that the petitioner did not participate in any political activity. Accordingly, the petitioner was reinstated vide order dated 04.07.2017 (Annexure P-11) passed by the Executive Officer, Municipal Council, Khanna. Without there being any fresh incriminating evidence or circumstances against the petitioner, order of reinstatement dated 04.07.2017 (Annexure P-11) was recalled and the petitioner was again placed under suspension and thereafter, he has been continuing as such.

Reply on behalf of the respondents has been filed wherein it has been stated that cognizance on the complaint was taken in pursuance of the recommendation of Punjab State Election Commission. The inquiry in the matter has not been completed so far. The petitioner is under suspension since 07.07.2017.

In these circumstances, the petitioner is ordered to be reinstated which shall be subject to the final outcome of the inquiry which is stated to

be pending against the petitioner.

Disposed of.

28.05.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No