

CWP-15446-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15446-2018

Date of Decision: 2nd July, 2018

Sunder Lal

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vikram Singh, Advocate, and
Mr. Aditya Jain, Advocate, for the petitioner.

Mr. Naveen Kumar Jaglan, Advocate
for the caveator/respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 08.05.2018 (Annexure P-7) passed by the Financial Commissioner-cum-Principal Secretary, Department of Panchayat and Rural Development, Haryana-respondent No.1 and order dated 18.12.2017 (Annexure P-5), vide which, Deputy Commissioner, Jhajjar, has suspended the petitioner from the post of Sarpanch on the ground that he did not belong to the Scheduled Caste and therefore, an enquiry was initiated against him.

Counsel for the petitioner asserts that he would not press the petition as far as the suspension of the petitioner is concerned as the regular enquiry is to proceed but he is aggrieved by the observation of the Principal Secretary to Government of Haryana, Department of Panchayat and Rural Development, Haryana-respondent No.1 made in its order dated 08.05.2018 (Annexure P-7) holding the Scheduled Caste certificate of the petitioner

invalid. He further states that the petitioner, at this stage, would be satisfied if this observation is not read to be binding upon the Enquiry Officer so that a fair enquiry be held against the petitioner and thereafter, the Competent Authority may proceed in accordance with law. Prayer has also been made for directing the respondents to finalize the enquiry proceedings against the petitioner within some specified time.

Having considered the submissions made by the counsel for the petitioner, the contention as raised by the counsel for the petitioner with regard to the observation made in the order dated 08.05.2018 (Annexure P-7) by the Principal Secretary to Government of Haryana, Department of Panchayat and Rural Development-respondent No.1 appears to be correct as this would leave no scope for the regular enquiry, which is pending against the petitioner. Any observation made therein shall have no bearing upon the enquiry proceedings as it would not be binding upon the Enquiry Officer.

Let the enquiry proceedings initiated against the petitioner be concluded at an early date preferably within a period of four months from the date of receipt of certified copy of this order.

The present writ petition stands disposed of with above observations.

Caveat stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

2nd July, 2018
Harish

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