

CWP-17690-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17690-2018

Date of Decision: 20th July, 2018

Harsangat Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Bhavyadeep Walia, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that a complaint dated 22.02.2018 (Annexure P-3) has been filed against him making old allegations, for which, earlier also a complaint was also filed in the year 2010, wherein, after the conclusion of the enquiry, nothing was found against the petitioner.

Petitioner was a Sarpanch of village Takhtu Majra, Tehsil Rajpura, District Patiala, from the year 2008 to 2013 and therefore, in any case, the enquiry which has now been initiated against the petitioner is not maintainable in the light of the provisions of Section 216 (4) of the Punjab Panchayati Raj Act, 1994, which bars such proceedings. Counsel contends that the petitioner, despite having brought this aspect to the notice of the respondents, still the respondents, without appreciating the same, have initiated an enquiry against the petitioner and the petitioner is being called time and again to join the proceedings, which is not permissible in law.

Counsel for the petitioner prays for liberty to file a detailed representation to the District Development & Panchayat Officer, Patiala-respondent No.4, within a period of one week from today, which may be considered and decided prior to proceeding with the enquiry.

Having considered the submissions made by the counsel for the petitioner and in case, assertions made by the counsel for the petitioner are found to be correct as has been referred to above, with the submission of the representation within a period of one week from today, the District Development & Panchayat Officer, Patiala-respondent No.4 shall consider the representation of the petitioner prior to proceeding further with the enquiry and pass a speaking order thereon within a period of three weeks from the date of submission of such representation.

(AUGUSTINE GEORGE MASIH)
JUDGE

20th July, 2018
Harish

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