

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

CWP No.2499 of 2018

Date of decision : 05.02.2018

Babu Ram

.....Petitioner

Versus

**The Financial Commissioner & Secretary to Govt. of Haryana and
others**

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Rajinder Singh Malik, Advocate for the petitioner.

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DAYA CHAUDHARY, J. (Oral)

The petitioner is aggrieved of impugned order dated 21.11.2017 (Annexure P-14) passed by respondent No.1, whereby the case has been remanded to the Deputy Commissioner, Faridabad to pass a well reasoned speaking order by taking into consideration report dated 06.06.2016 submitted by the District Education Officer, Faridabad, report dated 25.05.2016 submitted by the Block Education Officer, Faridabad as well as report dated 25.05.2016 submitted by Block Education Officer, Loni, Gaziabad, by recording reasons for acceptance or non-acceptance of the reports, after giving opportunity of hearing to the parties.

The only argument raised by learned counsel for the petitioner is that the certificate of respondent No.3, on the basis of which she contested election of Sarpanch, was found fake and, therefore, she should

have been suspended.

Perusal of the impugned order shows that only the case has been remanded to pass a well reasoned order after taking into consideration the reports, as an inquiry was conducted when the Sarpanch was placed under suspension. By considering all facts and circumstances of the case, the reports were ordered to be taken into consideration after giving opportunity of hearing. It cannot be said that the impugned order is bad as only a direction has been issued while remanding the case to the Deputy Commissioner, Faridabad to take action after considering the reports and statements of the parties. While passing order dated 21.11.2017, it was mentioned that the necessary exercise was to be done within a period of one month from the date of receipt of copy of that order but it appears that no action has been taken.

Accordingly, respondent No.2 is directed to take action as per direction mentioned in the remand order.

Disposed of.

05.02.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No