

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

CWP-821-2018 (O&M)

Date of Decision: 25.10.2018.

Ranjit Kaur Panch and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. A.P.S. Tung, Advocate,
for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mohd. Yousaf, Advocate,
for respondent Nos. 5 to 9.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition, the petitioners seek quashing of enquiry report dated 05.09.2017 (Annexure P-12) prepared by ADC(D), Barnala; the show cause notice dated 14.12.2017 (Annexure P-15) order dated 18.12.2017 (Annexure P-16) passed by Director Rural Development and Panchayat Department, Punjab vide which petitioners Nos. 1 to 5 have been removed from the post of Panch and petitioner No.6 has been removed from the post of Sarpanch.

It is asserted that on 14.12.2017 notices issued to the petitioners by respondent No.2 for appearance on 18.12.2017 were received on 19.12.2017. However, from the perusal of the impugned order dated 18.12.2017 (Annexure P-16), it is made out that the petitioners duly caused representation before the learned Director Rural Development and Panchayats Department, Punjab and the petitioners including Laxman Singh and Harnek Singh Panch came present. The allegations against the petitioners are with regard to exercising the official position by allotting shamlat land in auction held on 06.06.2014 on the amount less than the

previous year. During the investigation conducted by the DDPO, it has come on record that a communication was addressed by Additional Deputy Commissioner to Director, Rural Development and Panchayats Department, wherein it has been noticed that the auction was conducted by the petitioners on 06.06.2014 which was less than the previous year of 2013-14 without taking any approval from the concerned authority resulting into loss of Rs.45,000/- for the year 2013-14.

It is asserted that the impugned order was passed at the behest of the local MLA-respondent No.10. However, nothing on record has come on the basis of which the allegation raised by the petitioners could be said to be holding any substance.

In view of the categorical finding with supporting record that the petitioners were duly heard before passing the impugned order, no case for interference is made out.

Otherwise also, there is an alternate remedy available to the petitioners to approach the learned Secretary under Section 20(6) of the Punjab Panchayati Raj Act. The petitioners are at liberty to avail the alternate remedy, if so advised. No cause of action has accrued in favour of the petitioners to file the instant writ petition.

Dismissed.

25.10.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No