

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

Letters Patent Appeal No. 330 of 2019 (O&M)

Date of Decision: 11.03.2019

Satpal

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. VP Sangwan, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 04.02.2019 passed by the learned Single Judge dismissing the writ petition filed by the appellant challenging the order of suspension. The appellant who is an elected member of the Gram Panchayat was placed under suspension by Deputy Commissioner, Bhiwani, vide order dated 04.06.2018, while exercising powers under section 51(1)(a) of the Haryana Panchayati Raj Act, 1994 on the ground that an FIR No. 24 dated 16.01.2018, under Sections 323, 325, 341, 506 of the Indian Penal Code was registered against him.

2. The whole case set up by the petitioner (appellant herein) before the learned Single Judge was that the offence against which the FIR was registered against him does not involve moral turpitude and as such he could not have been placed under suspension.

3. A perusal of Section 51(1)(a) of the Haryana Panchayati Raj Act goes to show that where the charge made or proceeding taken against him is likely to embarrass him in the discharge of his duties, then also he could be placed under suspension. It may be relevant to extract provisions of Section 51(1)(a) of the Haryana Panchayati Raj Act as under:-

“51. (1) The Director or the Deputy Commissioner concerned may, suspend any Sarpanch or Panch, as the case may be,-

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(a) where a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director or Deputy Commissioners concerned the charge made or proceeding taken against him, is likely to embarrass him in the discharge of his duties or involves moral-turpitude or defect of character;”

4. Against the order of suspension, the appellant went up in appeal under Section 51(5) of the Haryana Panchayati Raj Act, 1994 before the Appellate Authority. The appeal came to be dismissed vide order dated 04.01.2019 on the ground that criminal case lodged may involve moral turpitude as per instructions dated 02.02.1973 issued by the Chief Secretary, Haryana and the criminal offence is likely to embarrass him in the discharge of his official duties and as such he has rightly been placed under suspension. Learned Single Judge also took the same view.

5. Apart from the above, there is no challenge to the Appellate order in the writ petition and thus the petition only challenging the order of suspension without challenging the order of Appellate Authority, which has affirmed the same, would not be maintainable and was liable to be dismissed, though the learned Single Judge has dismissed it on different ground.

6. From both the angles, the petition filed by the appellant herein was liable to be dismissed and thus no interference is required in the impugned order passed by the learned Single Judge. The appeal thus accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

11.03.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√