

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

CWP-25534-2018 (O&M)
Date of decision : 29.05.2019

Kavita

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Aftab Khaira, Advocate,
for respondent No.3.

JITENDRA CHAUHAN, J.

Prayer in the instant petition is for quashing of impugned orders dated 25.09.2018 (Annexure P-6) and dated 22.11.2017 (Annexure P-5), whereby, the petitioner has been ordered to be removed from the post of Sarpanch.

Learned counsel contends that the petitioner was a duly elected Sarpanch of Gram Panchayat, therefore, he could only be removed the Election Commission under Section 176 of the Haryana Panchayati Raj Act, 1994 and not by the Deputy Commissioner.

Heard.

While issuing notice of motion on 05.10.2018, this Court

noticed as under:-

“Present writ petition is for quashing of the impugned orders dated 25.09.2018 (Annexure P6) and dated 22.11.2017 (Annexure P5), respectively, whereby petitioner has been ordered to be removed from the post of Sarpanch without following the due procedure of law.

Learned counsel for the petitioner contended that as petitioner was duly elected Sarpanch of Gram Panchayat, Village Kalal Majri, Tehsil Naraingarh, District Ambala, he could not be removed by the Deputy Commissioner, Ambala except by the election Commission under Section 176 of the Haryana Panchayati Raj Act, 1994. Learned counsel further contended that the petitioner is still working as Sarpanch of Gram Panchayat. Learned counsel also contended that similar matter i.e. CWP-9165-2017 is pending before this Court for hearing on 18.12.2018.

Notice of motion for 18.12.2018.

Interim directions in the same terms as in CWP-9165-2017.

List along with CWP-9165-2017 on the date fixed.”

(emphasis supplied)

As per record, the petitioner was terminated from the post of Sarpanch on 22.11.2017 (Annexure R-7), whereas, on 05.10.2018, learned

counsel for the petitioner made a statement that the petitioner was still

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working as Sarpanch of Gram Panchayat.

In view of the fact that order of termination had already been passed against the petitioner, that the statement made by learned counsel for the petitioner on 05.10.2018 to the effect that the petitioner was still working as Sarpanch of the Gram Panchayat, was against the record. Thus, the Court feels that the petitioner has not approached this Court with clean hands.

Dismissed.

29.05.2019

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No