

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

**CWP-24910-2019 (O&M)
Date of decision-23.09.2019**

Ranjit Kaur and others

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jatinder Pal Singh, Advocate
for the petitioner(s).

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

Mr. Vivek Chauhan, Advocate
for respondent No.5-Caveator.

JITENDRA CHAUHAN, J.

CM-14203-CWP-2019

Application is allowed as prayed for and Annexures P-12 and P-13 are taken on record subject to all just exceptions.

CWP-24910-2019

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the impugned order dated 19.08.2019 (Annexure P-10) whereby petitioners were illegally and arbitrarily suspended from their posts without affording any opportunity of hearing.

Learned counsel for the petitioner cites '*State of Orissa Vs. Dr. Binapani Dei and others 1967 AIR (SC) 1269*', '*Om Parkash Sarpanch Vs. Deputy Commissioner, Sirsa 2001(3) R.C.R. (Civil) 628*', '*Gurdeep Singh Sarpanch Vs. State of Punjab and others 2014(3) PLR 842*', '*Kaki Devi Sarpanch Vs. State of Punjab and others 2010(4) R.C.R. (Civil) 317*' and '*Gurbaksh Kaur Vs. Joint Development Commissioner, Punjab and others 2017(3) Law Herald 2060*' to contend that all basic principle of natural justice are not mere formality but they are required to meticulously complied with. He states that petitioners were not heard. Learned counsel further refers to Section 20(6) of the Punjab Panchayati Raj Act, 1994 (in short 'the Act'), which deals with removal as well as suspension. Section 20 (6) of the Act reads as under:-

"20 (6) Any person aggrieved by an order of removal or suspension passed under this section, may within a period of thirty days from the date of communication of the order, prefer an appeal to the State Government."

Learned State counsel and learned counsel for the caveator contend that the petition is not maintainable in the present form in the face of proviso of Section 20(1) of the Act.

Heard.

The proviso to Section 20(1) of the Act reads thus:-

'Provided that before the Director orders the removal of any Sarpanch or Panch under this sub-section, the reasons for the proposed removal shall be communicated to him and he shall be given an opportunity of tendering an explanation in writing.'

The assertion of the learned counsel for the petitioners is totally ill-conceived as the proviso deals with the removal and not with the suspension. Otherwise also, in Paras 7 & 8 of the petition, it has been specifically noticed that the impugned order dated 19.08.2019 (Annexure P-10) record reasons for suspension of the petitioners. The petitioners passed a resolution dated 17.07.2019, whereby the case filed by the Gram Panchayat was dismissed to be withdrawn without the permission and knowledge of the competent authority and the petitioner was afforded an opportunity of hearing before the impugned order was passed. The case law cited by the learned counsel for the petitioners is distinguishable on facts.

In this view of the matter, no ground for interference is made out.

Dismissed.

23.09.2019

ps-I

(JITENDRA CHAUHAN)
JUDGE

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