

CWP No.34957 of 2019

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

CWP No.34957 of 2019

Date of decision:10.12.2019

Jai Parkash

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Kapil Bansal, D.A.G.Haryana.

SUVIR SEHGAL J.

The instant petition has been filed for issuance of a writ in the nature of mandamus seeking direction to respondent No.2 to complete the regular enquiry pending against respondent No.4.

Counsel for the petitioner has been heard. He has submitted that the petitioner had filed a complaint under Section 51 of Haryana Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act') for suspension and removal of respondent No.4, who was Sarpanch of village Bass Hariya Panchayat, Block Farrukh Nagar, Gurugram as she had submitted a forged qualification certificate. An enquiry was conducted and Vigilance Officer had submitted a report, vide letter dated 16.01.2019 to the Deputy Commissioner wherein he found that academic certificate given by the petitioner at the time of her election was fake. On the basis of the report, the Deputy Commissioner, Gurugram (respondent No.2) while exercising the powers under Section 51 of the Act, suspended respondent No.4 from the

post of Sarpanch and appointed the Additional Deputy Commissioner, Gurugram as Regular Investigating Officer. An appeal filed by respondent No.4 against the order dated 21.06.2019 was dismissed by the Principal Secretary to Government of Haryana, Development and Panchayat Department on 09.08.2019 (Annexure P-2). A representation dated 17.10.2019 (Annexure P-3) had also been submitted by the petitioner to respondent No.2. The grievance of the petitioner is that despite the fact that Regular Investigating Officer had been appointed in January 2019, enquiry has not been completed.

By order dated 02.12.2019, this Court had directed the learned State counsel to enquire about the status of enquiry pending against respondent No.4. However, the learned State counsel has submitted that he has not received any instructions in this regard.

In view of the fact that Regular Investigating Officer had been appointed and enquiry is pending which has not been decided despite the representation dated 17.10.2019 (Annexure P-3), the present writ petition is disposed of with a direction to respondent No.2 to decide the same and take further action thereon in accordance with law within a period of six weeks from the date of receipt of certified copy of this order.

(SUVIR SEHGAL)
JUDGE

December 10, 2019

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No