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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1253 of 2020
Date of decision: 17.01.2020

Rajpal Singh

.....Petitioner

V/s.

State of Haryana and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. V.P. Sangwan, Advocate,
for the petitioner.

Sanjay Kumar, J. (Oral)

The prayer of the petitioner, the suspended Sarpanch of the Gram Panchayat of Village Siswala, Tehsil Balsamand, District Hisar, is two fold. Firstly, he seeks to assail his suspension from the said post by the Deputy Commissioner, Hisar, vide order dated 11.02.2019 (Annexure P-4) which was confirmed in appeal by the Principal Secretary, Development and Panchayat Department, Government of Haryana, vide order dated 10.12.2019(Annexure P-5). His second prayer is to direct the authorities to conclude the regular enquiry initiated for his removal from the post.

Perusal of the record reflects that the Deputy Commissioner, Hisar, issued the petitioner a notice in accordance with the procedure prescribed by Section 51 of the Haryana Panchayati Raj Act, 1994, and as no reply was received within the stipulated 10 days, the Deputy Commissioner proceeded to exercise power under the aforesaid statutory provision and suspended the petitioner from the post of Sarpanch. This

order was confirmed in appeal.

Mr. V.P. Sangwan, learned counsel for the petitioner, would contend that the petitioner submitted his reply in response to the notice issued by the Deputy Commissioner but the same was not taken into account while passing the suspension order. He would place reliance upon ***'Smt. Rame V/s. State of Haryana and another [2004(4) RCR(Civil) 487]*** in support of his contention that this would amount to violation of the prescribed procedure apart from the principles of natural justice and would vitiate the suspension proceedings.

However, perusal of the so called reply submitted by the petitioner, which is marked as Annexure P-3, demonstrates that it was addressed to the Chief Minister of the State. A copy thereof was not even marked to the Deputy Commissioner, Hisar. Further, the said reply is undated and there is no evidence of it having been served upon any authority. When the petitioner received a notice from a particular authority requiring him to submit his reply thereto, it was incumbent upon him to address his reply, if any, to the very same authority within the time stipulated and not to another authority.

In the case on hand, it is clear that the petitioner did not submit his reply to the Deputy Commissioner, Hisar, despite receiving a notice from him. Therefore, this Court finds no procedural error in the suspension proceedings, warranting interference.

Mr. V.P. Sangwan, learned counsel, would further inform this Court that the regular enquiry proceedings for removal of the petitioner from the post of Sarpanch have now been initiated but despite receipt of the

report of the special audit officer, the enquiry is not being completed.

As the petitioner was suspended from the post as long back as in January 2019 and the regular enquiry proceedings were initiated soon thereafter, it is not open to the authorities to keep the same pending indefinitely.

The writ petition is accordingly disposed of directing the authorities concerned to conclude the enquiry initiated against the petitioner and take appropriate action thereafter in accordance with due procedure. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

17.01.2020

rakesh

whether speaking/non speaking : *Yes/no*

whether reportable/non reportable : *Yes/no*