

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP-10811-2020 (O&M)

Date of Decision : October 07th, 2020

Subhash Chander and others

..... PETITIONERS

VERSUS

State of Haryana and others

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Abhilaksh Grover, Advocate, for the petitioners.

Mr. Rajesh Gaur, Additional Advocate General, Haryana, and
Mr. Minderjeet Yadav, Deputy Advocate General, Haryana,
for respondents No.1 to 4.

Mr. Ashish Aggarwal, Senior Advocate, with
Mr. Kulwant Singh, Advocate, for respondent No.5.

...

Sanjay Kumar, J.

The petitioners are the Panches of the Gram Panchayat of Village Khedar. They challenge the order dated 15.07.2020 passed by the Principal Secretary, Development and Panchayat Department, Government of Haryana, appointing the Block Development and Panchayat Officer, Barwala, the 2nd respondent herein, as the Administrator of the Gram Panchayat, Village Khedar, under Section 49(1) & (2) of the Haryana Panchayati Raj Act, 1994 (hereinafter, 'the Act of 1994').

By order dated 29.07.2020, this Court stayed the operation of the impugned order dated 15.07.2020.

Appointment of an Administrator for the Gram Panchayat, Village Khedar, was occasioned by the fact that the elected Sarpanch, Rajbir Singh, the 5th respondent herein, was removed from office in exercise of power under Section 51(3) of the Act of 1994. However, by virtue of the interim order secured by him in CWP-14149-2017, no steps were taken to replace him.

Today, by way of a separate order passed in CWP-14149-2017, this Court held that the inquiry against the 5th respondent, on the strength of which he was removed from office, stood vitiated for want of compliance with the principles of natural justice and the minimum requirements of an inquiry. The authority concerned was directed to initiate an inquiry afresh against him and complete the same within a time frame. Therefore, the 5th respondent would continue to function as the Sarpanch of the Gram Panchayat, Village Khedar, till the conclusion of such proceedings or completion of his elected term.

The only ground for appointing an Administrator for the Gram Panchayat, Village Khedar, was as it was without a Sarpanch and development activities were not being undertaken due to that reason. As the 5th respondent would now continue to function as the Sarpanch of the Gram Panchayat pending the fresh inquiry against him or the completion of his term, as the case may be, and would be in a position to undertake all developmental activities with the Panches, the need for an Administrator no longer remains.

The impugned order dated 15.07.2020 passed by the Principal Secretary, Development and Panchayat Department, Government of Haryana, appointing the Block Development and Panchayat Officer, Barwala, as the Administrator for the Gram Panchayat, Village Khedar, is accordingly set aside. However, as the 5th respondent still remains under a cloud, it would be fit and proper that any decision taken by him and the Panches, having financial implications, should be vetted by the Block Development and Panchayat Officer, Barwala, before it is acted upon.

The writ petition is allowed to the extent indicated above.

No order as to costs.

October 07th, 2020
Kang

(Sanjay Kumar)
Judge

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