

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

210

**CM-11981-10289-10290-CWP-2020
in/and CWP-13615-2020 (O&M)
Decided on : 16.11.2020**

Sapna Devi

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Mazlish Khan, Advocate, for the applicant/petitioner.

Mr.R.K.S.Brar, Addl.A.G., Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

CM-11981-CWP-2020

Application for placing on record the enquiry report of Sub-Divisional Officer, Panchayati Raj, Farukhnagar dated 29.10.2020 as Annexure P-8, is allowed, in view of the averments made in the application, duly supported by affidavit. Said document is taken on record, subject to just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

CWP-13615-2020 (O&M)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India is to the order dated 17.08.2020 (Annexure P-4) whereby the petitioner was suspended from the post of Sarpanch and the regular enquiry was handed over to the Executive Engineer, Panchayati Raj, Gurugram. Challenge has also been raised to the dismissal of the appeal on 31.08.2020 (Annexure P-5).

In the reply filed by the State, the stance taken is that the Enquiry Officer has been appointed. It has further been stated that allegations have been proved prima facie against the petitioner. An objection has also been taken that the petitioner has also filed a Civil Suit whereby plea was taken for restraining the defendants to take charge of the post of Sarpanch from the plaintiff-petitioner, till the decision of the writ petition.

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**210 CM-11981-10289-10290-CWP-2020 -2-
 in/and CWP-13615-2020 (O&M)**

A perusal of the order dated 10.09.2020 passed by the civil Court would go on to show that the stay has been declined. It is also a matter of record that the petitioner approached the LPA Bench also against the order dated 21.09.2020 whereby stay application CM-9275-CWP-2020 was dismissed and the said LPA was dismissed on 23.09.2020.

Counsel for the petitioner, thus, could only submit that the final decision be taken on the report of the Enquiry Officer since it is in favour of the petitioner, in accordance with law.

Accordingly, the present writ petition is disposed of, with a direction to take a decision on the above-said report, expeditiously, within a period of 3 weeks from the receipt of the certified copy of this order.

NOVEMBER 16, 2020
sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No