

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

CWP-17841-2020(O&M)

Date of decision: 25.11.2020

Surjeet Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Priyavrat Prashar, Advocate for the petitioner

Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J. (ORAL)

Through the present writ petition, filed under Article 226 of the Constitution of India, the petitioner challenges the order dated 27.8.2020, passed by Deputy Commissioner, Kaithal, revoking the suspension of Mr. Jagdish-respondent no.5, a Panch of Ward No. 5, Gram Panchayat Nand Singh Wala, District Kaithal. As per the proviso to sub-section 2 of Section 51, the maximum period for which an elected Panch or Sarpanch can be kept under suspension is one year except in criminal cases involving moral turpitude. The present case is not covered by that exception. The allegations against respondent no.5, are that he is in illegal possession of Panchayat land. He was suspended on 20.06.2018. Thus, after a lapse of one year, he was entitled to be reinstated since no further order was passed by the competent authority. Still further, the term of the elected members of the Gram Panchayat is coming to an end, in the months of January/February, 2021. In these circumstances, now there is hardly any scope for interference.

Learned counsel for the petitioner submits that the report of the regular inquiry, ordered against respondent no.5, has been received before the impugned order was passed by the Deputy Commissioner, Kaithal, on 27.8.2020. He, hence, submits that the reason recorded by the Deputy Commissioner, Kaithal, is wrong.

Be that as it may. Once there is a statutory provision barring continuance of suspension of an elected representative for a period exceeding one year except in criminal cases involving moral turpitude, no case for interference with the order passed is made out. However, the petitioner shall be at liberty to file a representation before the competent authority to take further steps in accordance with the alleged inquiry report.

Disposed of.

25.11.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No