

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

CWP-30278-2018 (O&M)
Date of decision: 30.1.2020

Ganga Devi

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Vikram Singh, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Ashok Kumar Verma, Advocate for respondent No. 3.

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Sanjay Kumar, J. (ORAL)

The petitioner is the Sarpanch of the Gram Panchayat of Village Surtia, Block Baragudha, District Sirsa, State of Haryana. She was suspended from office, *vide* order dated 5.12.2017 (Annexure P-1) passed by the Deputy Commissioner, Sirsa, the second respondent. The same was confirmed in appeal, *vide* order dated 16.11.2018 (Annexure P-2) passed by the Principal Secretary to Government of Haryana, Development and Panchayats Department. Assailing the said orders, the petitioner filed the present writ petition.

By order dated 5.12.2018 passed in this writ petition, the operation and effect of the impugned orders dated 5.12.2017 and 16.11.2018, Annexures P-1 and P-2 respectively, were stayed.

The complainant, at whose behest action was initiated against the petitioner, got impleaded as respondent No. 3 in the writ petition. Though the authorities filed their written statement on the merits of the case, it is an admitted fact that the regular inquiry initiated against the petitioner is yet to be concluded by the Sub Divisional Officer (Civil), Kalanwali.

Be it noted that the appellate order dated 16.11.2018 specifically required that the regular inquiry initiated against the petitioner should be completed within a period of one month so that a final decision could be taken in accordance with law. However, despite the aforesaid order which was passed as long back as in November, 2018, no effective steps seem to have been taken to conclude the inquiry so that final orders can be passed in the matter. Needless to state, it is not open to a subordinate authority to be totally unmindful and uncaring of a temporal mandate fixed by a superior authority for completing an exercise.

The writ petition is accordingly disposed of directing respondent No. 2 to ensure that the regular inquiry initiated against the petitioner is concluded expeditiously and in any event, not later than one month from the date of receipt of a certified copy of this order. A final decision shall be taken thereupon within two weeks of the date of receipt of the inquiry report. As the petitioner had the benefit of interim protection, by

virtue of the order passed in the writ petition, the same shall continue to operate till the conclusion of the exercise, as stated *supra*. Original documents filed in this writ petition, if any, shall be returned to the learned counsel for the petitioner under acknowledgement and upon filing of photocopies thereof.

No order as to costs.

(SANJAY KUMAR)
JUDGE

30.1.2020

preeti

whether reportable/non reportable

whether speaking/non speaking

yes/no

yes/no