

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-36874-2019 (O&M)
Date of decision: 20.1.2020

Swaran Singh Ex-Subedar**Petitioner.**

vs.

State of Punjab and others**Respondents.**

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Arun Takhi, Advocate for the petitioner.

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Sanjay Kumar, J. (ORAL)

CM-727-CWP-2020

Application is ordered. Exemption is granted from filing
certified copy of the complaint i.e. Annexure P-5.

CM-730-CWP-2020

Application is ordered. Copy of the complaint
(Annexure P-5) is taken on record.

CWP-36874-2019

Grievance of the petitioner is that no action is being
taken by the Director, Rural Development and Panchayat
Department, Punjab, upon the inquiry report dated 21.8.2019
(Annexure P-3) submitted by the District Development and
Panchayat Officer, Shaheed Bhagat Singh Nagar, District SBS Nagar,
against the ex-Sarpanch of the Gram Panchayat of Village and Post
Office Hiyala, Tehsil and District SBS Nagar, respondent No. 5, and
also the Panchayat Secretary of the said Gram Panchayat, respondent
No. 6. The petitioner submitted representation dated 25.9.2019
(Annexure P-4) to the Director, Rural Development and Panchayat

Department, Punjab, for taking necessary action upon the inquiry report dated 21.8.2019 but complains that it failed to evoke any response.

As this Court does not propose to go into the merits of the matter or adjudicate upon the validity of the inquiry report or the findings recorded therein, there is no necessity to put the unofficial respondents upon notice or afford them an opportunity of hearing.

The record reflects that the Additional Deputy Commissioner (Development), Shaheed Bhagat Singh Nagar, District SBS Nagar, was called upon by the Director, vide letter dated 17.1.2018, to conduct an inquiry and submit his report. Consequent thereto, the Additional Deputy Commissioner (Development), Shaheed Bhagat Singh Nagar, District SBS Nagar, submitted his final inquiry report dated 21.8.2019 recording certain findings. It is now for the Director to consider the said inquiry report on merits and in accordance with the due procedure so that appropriate necessary action may be taken thereon. It is not open to the Director, having called for the inquiry report, to remain somnolent.

The writ petition is accordingly disposed of directing the Director, Rural Development and Panchayat Department, Punjab, the second respondent, to consider the aforesaid inquiry report dated 21.8.2019 and take appropriate action thereon in accordance with due procedure. The Director would necessarily have to give an opportunity of hearing to all the parties affected by any action proposed thereon before taking a final decision. This exercise shall be

completed expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

20.1.2020

preeti

whether speaking/non speaking

whether reportable/non reportable

yes/no

yes/no