

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

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**CWP No.37420 of 2019 (O&M)
Date of Order:17.12.2020**

Sukhdev Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. RVS Chugh, Advocate,
for the petitioner.

Mr. Nikhil Chopra, Addl.A.G.,Punjab

Mr. K.S.Sidhu, Advocate
for respondent no.5 and 6.

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is an elected Sarpanch of Gram Panchayat, Village Jhanduke, District Mansa, Punjab. He filed this writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 26.08.2019, suspending him from the office of Sarpanch. The order dismissing the appeal has also been challenged.

On 16.11.2020, the following order was passed:-

The petitioner is an elected Sarpanch. He was placed under suspension vide order dated 26.08.2019 which was affirmed in appeal on 31.10.2019 by respondent No.1. It has been pointed out that the petitioner was suspended on account of registration of FIR No.36 dated 27.03.2019 under Section 379 and 409 of the Indian Penal Code.

On 04.11.2020, the following order was passed by this Court:- "All cases listed today have been taken up for hearing by way of video conferencing because of the

situation existing due to the COVID-19 pandemic. Adjourned to 16.11.2020. Learned State counsel would have the affidavit of a gazetted officer filed as to whether the recommendation made vide "General Diary Details no.024" dated 25.07.2020 (Annexure P-4), has been accepted by the competent authority or not. If the affidavit is not filed, the SSP, Mansa, shall be summoned to court. To be shown in the urgent motion list."

Ms. Maloo Chahal, DAG, Punjab has informed the Court that Senior Superintendent of Police has approved the investigation carried out by the Investigating Officer and a decision has been taken to keep the petitioner in column No.2. In other words, as of now, there is no material showing involvement of the petitioner in the aforesaid case.

Ms. Maloo Chahal, DAG, Punjab, however, prays for further time to seek instructions from the Director, Rural Development and Panchayat, Punjab.

It has been noticed that an elected representative has been kept under suspension for more than one year only on the ground that an FIR is pending.

Adjourned to 17.12.2020.

In the meantime, operation and effect of the orders dated 26.08.2019 and 31.10.2019 shall remain stayed. If before the next date of hearing, the Director Rural Development and Panchayat does not take any decision, he shall be required to attend the hearing of the Court through video conference."

Learned counsels for the parties have stated that the petitioner has been reinstated and permitted to discharge the functions of the office of Sarpanch of the Gram Panchayat.

Keeping in view the aforesaid facts, the writ petition has become rendered infructuous and is disposed of as such. However, the petitioner would not be again suspended only on account of pendency of cancellation report submitted in FIR No.36, dated 27.03.2019 after finding that the petitioner is not involved in the criminal case.

December 17, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No