

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

CWP No.1442-2021

DATE OF DECISION : 22.01.2021

Rajinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Karamjeet Singh Brar, Advocate,
for the petitioner.

Mr. Nikhil Chopra, AAG, Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Inter alia contends that petitioner was elected as Sarpanch of the Gram Panchayat on 30.12.2018. Subsequently, in a sub judicecriminal case pending against petitioner under Section 365, 376 (2) (g) read with 506 of IPC, he was declared as proclaimed offender due to his non-appearance in the court. Pursuant to the PO proceedings, the petitioner surrendered before the Court and was confined to judicial custody from May-2019 to August-2019. However, in the main case, the petitioner was later acquitted by the trial Court. Notwithstanding, vide impugned order dated 13.09.2019, respondent No.2 has suspended the petitioner from acting on the post of Sarpanch, on the ostensible plea, that the petitioner has since earlier undergone imprisonment, therefore, he doesn't deserve to hold the post he has been elected on.

2. Learned counsel for the petitioner further contends that the impugned order has been passed on complete misinformation. On the date of passing of the order, neither the petitioner was in custody, judicial or

otherwise, nor was he convicted by the trial Court in the criminal case in question. Counsel relies on trial court order dated 13.08.2019 (Annexure P-1) vide which petitioner was acquitted.

3. Notice of motion.

4. Mr. Nikhil Chopra, AAG, Punjab joins proceedings on service of advance copy of the petition accepts notice. He submits that the instant petition has been filed prematurely. He argues that the petitioner has merely been put under suspension. Even if the arguments of the learned counsel for the petitioner are to be accepted, impugned order, at worse has been passed based on the some wrong information. He points out that the petitioner has already submitted a representation dated 01.12.2020 (Annexure P-4) seeking his reinstatement. The said representation is pending with the competent authority.

5. In the aforesaid premise, the writ petition is disposed of with an observation that the competent authority shall take up the pending representation of the petitioner, as expeditiously as possible and pass orders, in accordance with law by keeping in mind the aforesaid rival submissions as noted hereinabove.

6. Disposed of accordingly.

January 22, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No