

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3197 of 2021 (O&M)

Date of Decision:11.02.2021

Surjit Singh

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ranjit Saini, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.AG., Haryana.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed seeking quashing of order dated 28.01.2021, Annexure P-11, passed by Additional Chief Secretary, Haryana, whereby appeal filed by respondent no.4-Sarpanch of Gram Panchayat of village Balrajputana has been allowed to the extent that order dated 28.12.2020, suspending respondent no.4 from the post of Sarpanch passed by learned Deputy Commissioner, Karnal, has been set aside while remanding the matter to the Deputy Commissioner, Karnal for a decision afresh on the matter after considering reply of respondent no.4 and the record available with her.

Respondent no.4-Sushma Devi, Sarpanch, was suspended from her post on 28.12.2020, Annexure P-9. She preferred appeal under Section 51 (5) of the Haryana Panchayat Raj Act, 1994. Learned Additional Chief Secretary to Government of Haryana Development and Panchayats Department accepted the contention on behalf of respondent no.4 that an effective opportunity to file reply to the show cause notice was not provided

to her though personal hearing was afforded. In this factual matrix, suspension order dated 28.12.2020 was set aside and the matter was remanded to the Deputy Commissioner, Karnal, to decide the matter afresh after considering her reply and available record.

Petitioner is the complainant, filing the complaint against respondent no.4 leading to her suspension. Petitioner has filed this writ petition challenging remand of the matter before the Deputy Commissioner, Karnal, inter alia raising an apprehension that the matter would not be decided expeditiously.

Notice of motion to respondents no.1, 2, 3 and 5 only.

Mr. Ashish Yadav, Addl.AG., Haryana, accepts notice on behalf of said respondents. In view of the nature of order I intend to pass, there is no requirement to file reply or issue notice to respondent no.4 which would only lead to unnecessary and avoidable delay besides expense.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to set aside order dated 28.01.2021, Annexure P-11, passed by Additional Chief Secretary, Haryana. However it is directed that proceedings before the Deputy Commissioner, Karnal, be concluded within four weeks from receipt of certified copy of this order after considering reply of respondent no.4 and any material/record brought forth by her with an equal opportunity to the department/complainant. It is clarified that there is no expression of opinion on the merits of the matter.

Writ petition is accordingly disposed of.

11.02.2021
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.