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

CWP-6317-2021

Date of decision : 18.03.2021

Kulwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Kamal Narula, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

The petitioner challenges the order dated 24.02.2021 (Annexure P-12) which has been passed by the District Development and Panchayat Officer, Tarn Taran (respondent No.4), wherein he has been suspended.

Perusal of the said order would go on to show that the petitioner-Sarpanch of Gram Panchayat Moose Kalan, had not called the Aam Ijlas of Hari and Saoni in the month of June and December and it is on that account, respondent No.4 had invoked the provisions of Section 5 sub section 2 of the Punjab Panchayati Raj Act, 1994 and he has thus been ceased to hold the office.

Counsel has submitted that the petitioner had approached this Court by way of filing the writ petition bearing No.CWP-22828-2019 and the directions had been issued to decide his representation dated 16.06.2019. It is, thus, his case that he filed the said representation dated 16.06.2019

(Annexure P-6) that other members of the Gram Panchayat were not coming forward for the Panchayat meetings for carrying out common work of the villagers.

It is, thus, his case that on account of the fault of other Panches, he cannot as such be put to harm.

Perusal of Section 5 sub-section 3 of the Punjab Panchayati Raj Act, 1994, however, would go on to show that the remedy lies before the Director for reinstatement if such a Sarpanch can show sufficient cause of his default. Thus, there is an alternative remedy as such available with the petitioner before respondent No.2.

Ms. Simran Grewal, Assistant Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 6.

Learned counsel for the petitioner shall supply the soft copy of the paper book to Ms. Simran Grewal, Assistant Advocate General, Punjab, during the course of day.

Keeping in view the fact that there is alternative remedy available with the petitioner before respondent No.2, this Court is the opinion that the petitioner is free to approach the said respondent within a period of one week from today. If the said needful is done, the respondent No.2 shall decide the same within a period of two weeks thereafter.

The present writ petition is disposed of with the abovesaid directions.

18.03.2021

Pawan

**(G.S. SANDHAWALIA)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**