

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

CWP-9787-2021(O&M)

Date of decision: 12.07.2021

Sukhvir Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ashish Pal Kaushal, Advocate, for the petitioner

Ms. Sunint Kaur, AAG, Punjab

Mr. B.S.Sidhu, Advocate for the caveator

ANIL KSHETARPAL, J. (ORAL)

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

The petitioner assails the correctness of the order dated 21.09.2020 passed by the Director, Rural Development and Panchayat, Punjab, which has been affirmed in appeal by the Additional Chief Secretary on 01.04.2021. The petitioner is an elected Sarpanch of Gram Panchayat, Dhurali, Block Kharar, District SAS Nagar Mohali. She was placed under suspension on 21.09.2020 on the allegations that she blocked the passage of water through a culvert on account of earth work in the cremation ground. She also facilitated the cutting of 2-3 trees standing in the village cremation ground.

The petitioner filed a reply by taking a stand that the earth work was carried out in year 2018 by the youth club before she was elected as a Sarpanch. She further contended that there is no fresh

blockage to the drain. She further took a stand that certain branches of tree have fallen due to storm and the same are lying on the plot.

It is not in dispute that the petitioner continues to be under suspension for a period of approximately 10 months.

Notice of motion.

At the request of the Court, Ms. Sunint Kaur, AAG, Punjab, accepts notice on behalf of the State of Punjab whereas Sh. B.S.Sidhu, Advocate, enters appearance on behalf of the complainant-caveator.

Heard, learned counsel for the parties. It is not in dispute that a regular inquiry ordered against the petitioner is still pending. The petitioner has remained under suspension for nearly a period of 10 months. An elected office bearer cannot be kept under suspension indefinitely. Still further, the suspension of an elected office bearer cannot be ordered in routine. As per Part IX of the Constitution of India, Gram Panchayats are envisioned to be the institutions of self governance equated with the Legislature of the State. Still further, prima facie the allegations against the petitioner do not warrant her continuous suspension. The officials of the State have no reason to keep the inquiry pending in order to oust the office bearer in an indirect manner.

Keeping in view the aforesaid facts, the order of suspension is set aside. However, it is directed that the regular inquiry pending against the petitioner be completed expeditiously. Needless to observe that the order passed by this Court shall have no bearing on the final order to be passed by the competent authority on receipt of the inquiry

report.

Disposed of.

All the pending miscellaneous applications, if any, also stand disposed of.

12.07.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No