

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

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**CWP No.13518 of 2021
Date of Order:26.07.2021**

Jang Bahadur Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Sodhi, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab

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

The petitioner is a complainant in a proceeding pending before the Director, Department of Rural Development & Panchayat, Punjab. An elected Sarpanch of the Gram Panchayat village Mukandpur, District Ludhiana, was suspended by the Director in exercise of powers under Section 20 of the Punjab Panchayati Raj Act, 1994 vide an order dated 01.04.2021.

In appeal, the Additional Chief Secretary, Government of Punjab, Department of Rural Development and Panchayat, Punjab, has set aside the order while issuing directions to the Director to pass a fresh self-explanatory order.

The learned counsel representing the petitioner contends that the appellate order has been passed without hearing the petitioner. Once the Director has already passed an order of suspension, the Additional Chief Secretary could not have remitted the matter back to the Director.

As regards the first argument, it may be noted that the presence of the petitioner is marked/noted when the order dated 01.04.2021 was passed by the learned Additional Chief Secretary, Government of Punjab. No doubt, the petitioner has filed an application for re-call, however, without getting the same decided, he has filed this writ petition. The fact regarding the presence of the party before the quasi-judicial authority cannot be easily disbelieved in the absence of any incontrovertible evidence/material.

Hence, this Bench is inclined to believe that the petitioner was very much present.

As regard the next argument, it may be noted that the learned Additional Chief Secretary has only directed the Director to pass a self-explanatory order after noticing inherent contradictions in the previous order passed by the Director. While hearing the appeal, the Appellate Authority is entitled to pass any order.

Still further, the inquiry against the Sarpanch is still pending. Hence, the Director is already seized of the matter.

In view of the aforesaid facts, no ground to exercise the writ jurisdiction is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

July 26, 2021
nt/parveen

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO