

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

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**CWP No.13555 of 2021
Date of Order:26.07.2021**

Karam Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

Mr. S.S. Swaich, Advocate
for the caveator-respondent No.5 to 7.

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 assails the correctness of the order passed by the Financial Commissioner, Government of Punjab, Rural Development & Panchayat Department, on 08.07.2021 while dismissing the application to grant interim protection. The petitioner was suspended during the pendency of an inquiry. After suspension of the petitioner from the office of the Sarpanch, a regular inquiry was marked to the Additional Deputy Commissioner, (Detective), Fatehgarh Sahib. It is not in dispute that the regular inquiry has been completed on 30.06.2021 and the petitioner has been given a show cause notice on 23.07.2021. The petitioner has been called upon to submit his reply.

The learned counsel representing the petitioner contends that as per Section 20 of the Panchayati Raj Act, 1994, the petitioner cannot be suspended only on the ground that he failed to take timely action against the

unauthorized encroachments by the Panch members. He, in support thereof, relies upon a judgment passed by the Co-ordinate Bench while deciding the Writ Petition No.12643 of 2009 titled as **Kaki Devi Sarpanch Vs. State of Punjab and other**, decided on 12.07.2010.

In the considered view of this Court, once the regular inquiry has been completed and the petitioner has already been given a show cause notice as to why, he should not be removed, therefore, it would not be appropriate for this Bench to interfere.

The suspension of Sarpanch is an interim order in its nature. After the regular inquiry, the Director is required to pass an order after granting an opportunity of hearing to the parties concerned including the elected Sarpanch. Since the petitioner has already been given a show cause notice granting him an opportunity to file his reply, therefore, the writ petition is disposed of with a request to the Director, Rural Development and Panchayat Department, Punjab, to pass a final order, positively, within a period of one month.

The petitioner is granted an opportunity to file a reply within the time fixed by the Director in the show cause notice. If the petitioner does not file reply within the stipulated time period, the Director would be at liberty to proceed in accordance with law.

With these observations, writ petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

July 26, 2021
nt/parveen

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO