

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

**LPA-648-2021 (O&M)
Date of decision : 04.08.2021**

Kashmir Singh

... Appellant

Versus

Additional Chief Secretary and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr.Dinesh Kumar, Advocate for the appellant.

(Proceedings through Video Conferencing)

AUGUSTINE GEORGE MASIH, J.(ORAL)

Challenge in this appeal is to the order dated 29.6.2021 passed by the learned Single Judge in the civil writ petition No.10856-2021, which was preferred by the appellant-petitioner, challenging the order dated 1.4.2021 (Annexure P6) passed by the Additional Chief Secretary, Department of Rural Development and Panchayats, Punjab exercising the powers of the Government under the Punjab Panchayati Raj Act, 1994, whereby the appeal preferred by the Sarpanch of the village, Sh. Jagdish Kumar, respondent No.7 had been allowed and his suspension has been revoked and ordered to be reinstated as the Sarpanch.

It is the contention of the learned counsel for the appellant-petitioner that a well reasoned order has been passed by the Director, Rural Development and Panchayats, Punjab while suspending respondent No.7 on 8.6.2020 (Annexure P5). It is asserted that the Appellate Authority has not

appreciated the fact that the auction, which has been conducted, is in violation of the order passed by the District Development and Panchayat Officer, appointing the Administrator for carrying out the auction. Even the coram for auction was not complete. That apart, it is asserted that the auction money, which was received at the spot, was required to be deposited in the Gram Panchayat fund, which has been deposited after a period of one year and that too after the complaint has been filed against the Sarpanch, which shows that the intention of respondent No.7 was to usurp the said amount. Thus, he contends that the impugned order passed by respondent No.1 dated 1.4.2021, reinstating respondent No.7 as Sarpanch is not sustainable and similarly, the order passed by the learned Single Judge also deserves to be set aside.

We have considered the submissions made by the learned counsel for the appellant and with his assistance have gone through the record of the case including the impugned orders. We do not find any ground for interfering in the present *intra* Court appeal, in the light of the findings recorded by the learned Additional Chief Secretary, Government of Punjab, Department of Rural Development and Panchayats while passing the order dated 1.4.2021. The operative part thereof reads as follows:-

“I have given my thoughtful consideration to the above submissions preferred by the parties and have also gone through the record as is available on the file. It is observed from the report submitted by the Divisional Deputy Director, Ferozepur and Additional Deputy Commissioner (Development), Fazilka that there was no

loss caused to the Gram Panchayat except some delay in depositing the amount by sarpanch. Moreover, auction was done as per procedure and the Gram Panchayat received higher amount by Rs.10,000/- more than the last year. No case of financial misappropriation has been made out by any authority in their inquiry reports. A democratically elected Sarpanch should be suspended only on grounds of grave acts of omission/ commission as per Section 20 of the Punjab Panchayati Raj Act, 1994. In this case, no such ground has been made out which would justify removal of a legitimately elected Sarpanch.

In view of the above discussion, the appeal is accepted and the impugned order passed by the Director is set aside and the appellant is reinstated to the post of Sarpanch.”

A perusal of the above would indicate that the relevant factors have been taken into consideration by the Appellate Authority while passing the order dated 1.4.2021 and observations made therein cannot be faulted with. The learned Single Judge has also upheld the order passed by the Appellate Authority while referring to the fact that no financial loss to the Gram Panchayat has been caused except the delay in deposit of the amount. In any case, the regular enquiry is pending as of now against respondent No.7, which has been ordered to be expedited by the learned Single Judge vide judgment impugned dated 29.6.2021, wherein it has been

ordered that endeavour be made to conclude the enquiry within a period of six months.

In the light of the above, we do not find any reasons for interfering with the impugned judgment of the learned Single Judge and therefore, dismiss the present appeal.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

August 04, 2021
gsv

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No