

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

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CWP-15247-2021 (O&M)

Date of decision: 19.08.2021

DAVINDER SINGH AND ORS

..Petitioners

Versus

FINANCIAL COMMISSIONER AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay Chadha, Advocate for the petitioners.
Ms. Kanica Sachdeva, AAG, Punjab.
Mr. Prateek Sodhi, Advocate for respondent No.7.

ANIL KSHETARPAL, J (Oral)

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

On 11.08.2021, the following order was passed:-

The petitioners are elected office bearers (4 Panches) of the Gram Panchayat of Village Issewal, Block Sidhwan Bet, Tehsil and District Ludhiana.

The petitioners are aggrieved of their suspension from the elected office. It is apparent from the order passed by the Additional Chief Secretary, Department of Rural Development and Panchayats, Punjab, that the petitioners were suspended on the ground that they did not conduct the proceedings for nominating authorized Sarpanch after the suspension of the elected Sarpanch, in accordance with the instructions. The petitioners continue to be under suspension from 31.08.2020.

As per Section 20 of the Punjab Panchayati Raj Act, 1994, the Director can suspend an elected office bearer on account of pendency of a criminal case which is under investigation/inquiry or trial, if, in the opinion of the Director, the charge made or proceedings taken against the elected office bearer is likely to embarrass him during the discharge of his duties or if it involves moral turpitude. The Director also has the enabling power under Sub-Section 4 of Section 20 to suspend a Sarpanch or Panch for any of the reasons for which he can be removed.

As per Part IX of the Constitution of India, Gram Sabha or Gram Panchayats are democratic established at the grass-

root level. Such Gram Panchayats are equated with the legislature of the State. Article 243(d) defines the term Panchayat to be an institution of self-governance constituted under Article 243(B) for the rural areas.

The office bearers are elected for a period of 5 years. They cannot be placed under suspension from the elected office unless some serious charge is made out against them. In addition, they cannot be kept under suspension for the major part of their tenure.

In the present case, the petitioners have remained under suspension since 31.08.2020.

Prima facie the charge against the petitioners do not appear to be serious.

Notice of motion for 19.08.2021.

Let an additional copy of a writ petition be served on the office of the Advocate General, Punjab, on behalf of respondents No.1 to 4.

Notice be issued to respondent No.5 for the date fixed.

Dasti also.

In the meantime, operation and effect of orders passed by the Director on 30.08.2020 and Additional Chief Secretary on 03.06.2021, respectively, shall remain stayed.

Notice to proforma respondents is dispensed with.

Ms. Kanica Sachdeva, AAG, Punjab, has submitted that the petitioners have already been reinstated in their elected offices of Gram Panchayat, Issewal. She submits that the pending regular inquiry shall be concluded within a period of one month.

Since the order under challenge is only with regard to suspension of the petitioners and the petitioners have already been reinstated on 17.08.2021, therefore, the writ petition is rendered infructuous. However, the official respondents are directed to complete the proceedings in the regular inquiry within the aforesaid period.

With these observations, the writ petition is disposed of.

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

19.08.2021

ashok

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No