

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 21681 of 2021

Date of Decision: 27.10.2021

Rakesh Kumar and Another

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Varinder Kumar Sandhir, Advocate
for the petitioner(s).

Ms. Maloo Chahal, Deputy Advocate General,
Punjab, for the respondents No.1, 2 and 4.

Anil Kshetarpal, J.

1. The petitioners are the residents of village Baba Bakala Sahib, Tehsil Baba Bakala Sahib, Block Rayyia, District Amritsar. They pray for issuance of a writ in the nature of certiorari to quash the order dated 14.02.2020 passed by the Financial Commissioner, Government of Punjab, Department of Rural Development and Panchayats.

2. In essence, the grievance of the petitioners is that the Principal Secretary has incorrectly revoked the suspension order of respondent No.3, who is the elected Sarpanch of the Gram Panchayat, village Baba Bakala Sahib.

3. Notice of motion.

4. On the request of the Court, Ms. Maloo Chahal, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent No. 1,

2 and 4. She submits that a regular inquiry against the respondent No.3 is

pending before the Additional Deputy Commissioner, Amritsar and the same shall be concluded within a period of one month.

5. The suspension of a Sarpanch is only an interim measure. As per Section 20 of the Punjab Panchayati Raj Act, 1994, the Director is required to hold a regular inquiry and pass an appropriate order. Since the regular inquiry is pending, therefore, in the facts of the present case, no ground for interfere with the order passed by the Principal Secretary revoking the suspension order is made out. However, the Director, Department of Rural Development and Panchayats, Punjab, is directed to get the regular inquiry concluded within a period of 1½ months from today and pass an appropriate order.

6. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

October 27, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No