

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Writ Petition No. 17982 of 2021**

**Date of Decision: 15.09.2021**

Sarabjit Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Vivek Chauhan, Advocate  
for the petitioner(s).

Ms. Kanica Sachdeva, Assistant Advocate General,  
Punjab, for the respondents.

**Anil Kshetarpal, J.**

1. The petitioner was elected as a Sarpanch of Gram Panchayat, Village Ajnauda Kalan, Block Nabha, District Patiala. She was placed under suspension from the elected office vide an order dated 06.07.2020. The appeal filed by the petitioner before the Additional Chief Secretary, Government of Punjab, Department of Rural Development and Panchayat, has been dismissed. The petitioner assails the correctness of the aforesaid orders.

2. The learned counsel representing the petitioner has fairly admitted that the regular inquiry into the matter has already been held and the Additional Deputy Commissioner, Patiala, had submitted its report on 09.12.2020. The Director is seized of the matter and the next date of hearing is 20.09.2021.

3. As per Section 20 of the Punjab Panchayati Raj Act, 1994 (hereinafter referred to as "the 1994 Act"), the Director is the competent

authority to pass an appropriate order in accordance with law. Section 20 of the 1994 Act is extracted as under:-

***“20. Suspension and removal of Panch and Sarpanch (1)***

*The Director may, after such enquiry as he may deem fit, remove any Sarpanch or Panch: -*

- (a) on any of the grounds mentioned In section 208.*
- (b) who refuses to act or becomes incapable of acting;*
- (c) who, being a Sarpanch, without reasonable cause, fails to hold meetings of the Gram Panchayat as required under sub-section (1) of section 16 for a period of two consecutive months;*
- (d) who, without reasonable cause, absents himself for more than two consecutive months from the meetings of the Gram Panchayat,*
- (e) who during his present term of office or that immediately preceding it, has, in the opinion of the Director, been guilty of misconduct in the discharge of his duties; or*
- (f) whose continuance in office Is undesirable In the Interests of the public :*

*Provided that before the Director orders the removal of any Sarpanch or Panch under this sub-section, the reasons for the proposed removal shall be communicated to him and he shall be given an opportunity of tendering an explanation In writing.*

***Explanation: -*** *The expression "misconduct" in clause (e) includes the failure of the Sarpanch or Panch without sufficient cause: -*

- (i) to submit the judicial file of a case within two weeks of the receipt of order of any Court to do so.,*
- (ii) to produce the Panchayat records on being required to do so by an officer of the Department of Rural Development and Panchayats not below the rank of Social Education and Panchayat Officer;-*

*(iii) to carry out the lawful orders of any competent authority or an of- Officer authorised by the State Government In this behalf; and*

*(iv) to supply a copy of the order of the Gram Panchayat in an administrative or judicial case decided by It, within weeks from the receipt of a valid application therefore.*

*(2) A person, who has been removed under sub-section (1) may be disqualified for re-election for such period not exceeding five years from the date of his removal as the Director may fix.*

*(3) The Director may Suspend any Sarpanch or Panch where a case against him in respect of any criminal offence is under investigation, enquiry or trial if, in the opinion of the Director, the charge made or proceeding taken against him is likely to embarrass him in the discharge of his duties or involves moral turpitude or defect of character.*

*(4) The Director at any time, and the Deputy Commissioner or the District Development and Panchayat Officer During the course of an enquiry, may suspend a Sarpanch of Panch for any of the reasons for which he can be removed.*

*(5) A Sarpanch or Panch, suspended tinder this section shall not take part In any act or proceeding of the Gram Panchayat during the period of suspension and shall hand 24 over the records, money and other property of the Gram Panchayat in his possession or under his control to the Panch as may be elected by the Panches from amongst panches in a meeting called by the Block Development, and Panchayat Officer for this purpose:*

*(6) Any person aggrieved by an order of removal or suspension passed under this section, may, within a period of thirty days from the date of communication of the order, prefer an appeal to the State Government”.*

4. Once the regular inquiry has been held and the report thereof has been submitted, then there can be no reason for delaying the decision.

5. Ms. Kanica Sachdeva, Assistant Advocate General, Punjab, has submitted that the Director, Department of Rural Development and Panchayat, Punjab, will decide the matter either on the next date of hearing or within a week thereof.

6. Keeping in view the aforesaid facts, the writ petition is disposed of accordingly.

**(Anil Kshetarpal)**  
**Judge**

**September 15, 2021**

**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No