

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

CWP-19010-2021 (O&M)
Date of decision: 24.09.2021

Darshan Kaur

...Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Karanjit Singh, Advocate for the petitioner
Ms. Kanica Sachdeva, AAG, Punjab
Mr. Ashish Pal Kaushik, Advocate for caveator/
respondent no.5

ANIL KSHETARPAL, J (Oral)

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

Through this writ petition, the petitioner assails the correctness of the order passed by the Director-cum-Secretary, Rural Development and Panchayat, Punjab, while suspending her from the office of Panch of Gram Panchayat, Village Mandiala, Block Attari, District Amritsar, which has been affirmed by the Additional Chief Secretary vide an order dated 19.08.2021.

The suspension of an office bearer is only an interim stage which is required to be followed by a regular inquiry. Section 20 of the Punjab Panchayati Raj Act, 1994 enables the Director, Rural Development and Panchayat, to hold a regular inquiry and thereafter pass appropriate orders either removing or reinstating the office bearer.

Ms. Kanica Sachdeva, AAG, Punjab, on instructions from
Sh. Sunil Khosla, Law Officer in office of Director, Rural Development

and Panchayat, Punjab, submits that the Additional Deputy Commissioner, Development, Amritsar, was deputed to hold the regular inquiry vide a communication dated 03.05.2021, however, no report has been received. She submits that many reminders have already been sent.

In the considered view of the Court, it is the duty of the Director to get the inquiry completed. If a particular inquiry officer does not complete the inquiry, the Director has a power to replace the inquiry officer. However, under the garb of such an excuse, an elected office bearer cannot be kept under suspension.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing the Director, Rural Development and Panchayat, Punjab, to get the inquiry completed within a period of one month from today. It is made clear that if the inquiry is not completed within the stipulated period, the petitioner shall be deemed to be reinstated in the office.

Disposed of in the aforesaid terms.

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

24.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE