

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

CWP-20631-2021 (O&M)

Date of decision: 08.10.2021

Som Lal and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harsh Chopra, Advocate for the petitioners

Ms. Kanica Sachdeva, AAG, Punjab

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 petitioners assail the correctness of orders passed on 12.07.2021 and 24.08.2021, respectively, by filing a writ of Certiorari. Vide order dated 12.07.2021, the petitioners have been placed under suspension from their elected office of Panch. It is not in dispute that the petitioners have filed an appeal which is slated for 28.10.2021 before the Additional Chief Secretary, Rural Development and Panchayat Department, Punjab. The Director, Rural Development and Panchayat Department, Punjab, vide order dated 12.07.2021, has ordered a regular inquiry into the allegations.

Learned counsel representing the petitioners claims that the aforesaid inquiry has been initiated for malafide reasons. Learned counsel representing the petitioners contends that the Director could not have ordered a regular inquiry at this stage. He further submits that the prime intention is to keep the petitioners under suspension.

Notice of motion.

Ms. Kanica Sachdeva, AAG, Punjab, accepts notice on behalf of the respondents and submits that the appeal of the petitioners shall be decided on 28.10.2021 or within one week thereafter.

On a Court question, learned counsel representing the petitioners admits that as per Section 20 of the Punjab Panchyati Raj Act, 1994, the Director has the power not only to suspend the office bearers but also to order a regular inquiry in order to arrive at a conclusion. With respect to the next contention, the petitioner can always take this defence before the inquiry officer. Till now, the petitioners have not appeared before the inquiry officer.

Keeping in view the aforesaid facts, the writ petition is disposed of with the observation that the appeal filed by the petitioners be decided within the month of October, 2021 itself.

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

08.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE