

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 21811 of 2021

Date of Decision: 28.10.2021

Harinder Kaur and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. V.K.Sandhir, Advocate
for the petitioner(s).

Mr. S.P.S.Tinna, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. This writ petition has been filed by the three Panches of the Gram Panchayat of village Nadiali, Block Kharar, District S.A.S.Nagar. They have been suspended from the office of the Panches by the Director vide an order dated 07.06.2021. The appeal filed by the petitioners assailing the correctness of the order of suspension has been dismissed by the Principal Secretary, Government of Punjab, Department of Rural Development and Panchayats vide an order dated 23.09.2021.

2. As per the allegations, the petitioners, after attending the meetings of the Gram Panchayat, refused to sign the proceedings. The learned counsel representing the petitioners contends that the petitioners had refused to sign the proceedings as they did not agree with the decision. On a Court question, the learned counsel has stated that the petitioners are not

being permitted to record their dissent. It is noted here that this is not their

plea before any authority.

3. In a democratic institution, an elected office bearer or a member has a right to record his dissent. However, he cannot refuse to sign the proceedings.

4. At this stage, Mr. S.P.S.Tinna, the learned counsel representing the State of Punjab, has stated that a regular inquiry in the matter is pending with the Additional Deputy Commissioner (Development), S.A.S.Nagar, which shall be completed within a period of two months.

5. The suspension of the elected office bearers is ordered during the pendency of the inquiry. Since the same is pending, hence, it is considered appropriate to dispose of the writ petition by directing the Additional Deputy Commissioner (Development), S.A.S.Nagar, to conclude the regular inquiry within a period of two months, positively, from today.

(Anil Kshetarpal)
Judge

October 28, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No