

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

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**CWP No.23896 of 2021
Date of decision: 25.11.2021**

SomLal 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.**

Mr. Nikhil Chopra, Addl.A.G., Punjab.

ANIL KSHETARPAL, J (Oral)

The petitioners claim to be elected members of the Gram Panchayat of village Mokhe, Post Office Nussi, Block Jalandhar (West), District Jalandhar. They were suspended by the Director on 12.07.2021. An appeal preferred by the petitioners has been dismissed by the Secretary to the Government of Punjab, Department of Rural Development and Panchayats, Punjab, vide an order dated 01.11.2021. It is alleged that the petitioners did not attend the meetings of the Gram Panchayat on 11.01.2021, 19.01.2021, 02.02.2021 and 12.02.2021. The Director has passed the order on the basis of the preliminary inquiry report submitted by the Chief Executive Officer, Zila Parishad, dated 13.05.2021.

These orders have been challenged by filing the present writ petition. The suspension of an elected representative is only an interim stage as per the provisions of Section 20 of the Punjab Panchayati Raj Act, 1994.

The Director is required to pass an order in accordance with law to reinstate

or remove the elected office bearers after holding a regular inquiry. The elected representative cannot be kept out of office by suspension for a long time. A due process of law is to be followed to remove the elected office bearer.

Sh. Nikhil Chopra, Additional Advocate General, Punjab, enters appearance on behalf of the State and submits that the pending inquiry shall be completed within a period of 6 weeks.

Keeping in view the aforesaid facts, the writ petition is disposed of while directing the Director, Department of Rural Development and Panchayats, Punjab, to pass a final order, positively, within a period of 8 weeks, from today.

Needless to observe that the petitioners shall be entitled to take all possible defences available, before the Director, Department of Rural Development and Panchayats, Punjab.

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

November 25, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No