

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

136

CWP-2175-2022

Date of decision: 07.02.2022

MANJINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: **Mr. Manish Kumar Singla, Advocate,
for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.
Mr. Janak Raj Bhinder, Advocate,
for respondent no.7.**

ANIL KSHETARPAL, J (Oral)

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

The petitioner was ordered to be suspended by the Director, Rural Development and Panchayat Department, Punjab, from the office of Sarpanch of Gram Panchayat, Kakra, on 31.08.2020. An appeal filed by the petitioner assailing its correctness has been dismissed by the Secretary while exercising the powers of the Government under the Punjab Panchayati Raj Act, 1994 (hereinafter referred to as 'the 1994 Act')

A regular inquiry against the petitioner is stated to be pending before the Additional Deputy Commissioner (Development), Barnala.

The learned counsel representing the petitioner contends that on the same day, the officials submitted a report as directed by the Director. He submits that the petitioner has been kept out of the elected office for a period of more than 1 year while keeping the regular inquiry pending.

Notice of motion.

Mr. Ayush Sarna, Assistant Advocate General, Punjab, accepts notice on behalf of respondent no.1 to 4, whereas Mr. J.S.Bhinder, Advocate, accepts notice on behalf of respondent no.7.

At this stage, service of notice on respondent no.5 and 6 is dispensed with.

The suspension of an elected office bearer is only a preliminary step as per Section 20 of the Punjab Panchayati Raj Act, 1994. The competent authority is required to hold a regular inquiry and pass an order in accordance with Section 20 of the 1994 Act. Admittedly, the regular inquiry is pending.

Keeping in view the aforesaid facts, it is considered appropriate to dispose of the writ petition while requesting the Additional Deputy Commissioner (Development), Barnala, to conclude the inquiry pending before it within a period of one month from today positively.

On the receipt of the report, the Director, Rural Development and Panchayat Department, Punjab, shall proceed in accordance with law and conclude its proceedings within next 6 weeks.

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

February 07, 2022
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(ANIL KSHETARPAL)
JUDGE

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