

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

124

CWP-3516-2022

Date of Order: 23.02.2022

MANAGER SINGH

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The petitioner is an elected office bearer of Gram Panchayat, Village Makorad Sahib, Tehsil Moonak, District Sangrur. He prays for issuance of a writ in the nature of certiorari to quash the official noting dated 22.10.2021 and letters dated 26.11.2021, 19.01.2022 and 24.01.2022. In substance, the petitioner claims that the official respondents are, repeatedly, ordering inquiry in the complaint filed.

With the able assistance of the learned counsel representing the petitioner, this Bench has gone through the noting dated 22.10.2021, which is signed by the Secretary, Rural Development and Panchayats, Punjab. The Officer after noticing that the Inquiry Officer has sent a report while overlooking the facts and allegations made in the complaint, has ordered that a fresh inquiry be conducted by Divisional Deputy Director, Jalandhar, Punjab.

The learned counsel representing the petitioner while drawing the attention of the Court to Annexure P-3, P-7 and P-11, contends that fourth inquiry should not be permitted to be held. On perusal of the alleged inquiry report-Annexure P-3, it is evident that certain complaints with regard to the pond and the land of the pond was the subject matter of investigation. The inquiry report was submitted by the Deputy Chief Executive Engineer, Sangrur.

Further, on perusal of the alleged inquiry report-Annexure P-7, it is

evident that a complaint was received against the petitioner on the ground that due to his conduct, 20-25 families belonging to SC/BC who are the residents of Makorad Sahib have lost their livelihood.

Further, Annexure P-11 is the alleged inquiry report with regard to a complaint made by the various members of the Panchayat to the effect that the Sarpanch is not taking them in confidence at the time of execution of any development work in the Panchayat.

It is not disputed that this time the allegations are different.

Further, it is also evident that Annexure P-11 is a report sent by the Deputy Chief Executive Officer vide memo No.1594 dated 19.04.2021. The Deputy Chief Executive Officer has reproduced the various affidavits submitted by the complainants with a request that they do not want any inquiry against the petitioner.

Keeping in view the previous order passed by the High Court, the Secretary has found that the Deputy Chief Executive Officer ought to have inquired into the allegations made in the complaint. It is for this reason, fresh inquiry has been ordered. The petitioner being elected representative is holding a public office. His work and conduct is always under scrutiny of the public.

In such circumstances, in the absence of any statutory provision, this Court does not find it appropriate to interfere at this stage.

With these observations, the present writ petition is disposed of.

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

February 23rd, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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