

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

CWP-4084-2022 (O&M)

Date of decision: 03.03.2022

Ravinder Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.K.Saini, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of Certiorari to quash the order passed by the Director, Department of Rural Development and Panchayats, Punjab, whereby the complaint against the elected Sarpanch and Panch has been ordered to be consigned to the records. In a complaint submitted against the Sarpanch and the Panch alleging illegal cutting and removal of the trees an inquiry was held. The trees were alleged to have been cut and removed from the cremation ground and the dispensary. The District Development and Panchayat Officer, Jalandhar, has submitted a reply that the trees have been cut and removed by the cremation ground management committee. It was reported that the trees should have been sold in an open auction by passing a resolution in the Gram Panchayat.

The Director, after considering the matter, found that the trees located in the dispensary were cut and removed by the doctor, who admitted his mistake. Furthermore, with regard to the removal of other trees, the District Development and Panchayat Officer has already reported that the trees from the cremation ground were cut and

removed by the cremation ground management committee.

Learned counsel representing the petitioner contends that the trees belong to the Gram Panchayat, therefore, the Sarpanch has failed to discharge his responsibilities.

Section 20 of the Punjab Panchayati Raj Act, 1994, enables the Director to remove any Sarpanch or Panch, after inquiry. During the pendency of the inquiry, the Sarpanch or Panch can be placed under suspension. Such action against the elected office bearer can be taken only if it is established that the Sarpanch has committed a gross misconduct. The elected Sarpanch and the Panch are not the employees of the Government. They are the elected office bearers. Hence, before taking any action, the Director is required to be definite about the gross misconduct of the elected office bearer. In the present case, the Director, after recording a finding has found that the petitioner has failed to substantiate the allegations made in the complaint. The power of judicial review while exercising the writ of Certiorari is limited. Hence, no ground to issue a writ, as prayed for, is made out.

Dismissed.

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

03.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE