

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-10068-2023

Date of decision : 10.05.2023

Bikar Singh Sarpanch

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Onkar Singh, Advocate
for the petitioner.Mr.Ferry Sofat, Addl.A.G. Punjab
for the respondents.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ especially in the nature of mandamus directing the respondent authorities to take decision on the inquiry report dated 29.03.2023 (Annexure P-2) and to reinstate the petitioner to the post of Sarpanch.

2. Learned counsel for the petitioner has submitted that the petitioner was suspended vide order dated 21.09.2022 and now in the subsequent regular inquiry dated 29.03.2022, the allegations against the petitioner have not been proved and inspite of the regular inquiry being in favour of the petitioner, the petitioner has not been reinstated. It is further submitted that the petitioner has already moved an application dated 05.04.2023 (Annexure P-3) before the Director-respondent no.2 and he would be satisfied in case the present petition is disposed of with a direction

to the Director to decide the said application within a period of two weeks from the date of receipt of the certified copy of the present order. It is prayed that in case the plea raised by the petitioner is found to be meritorious, then necessary action in accordance with law, be taken as expeditiously as possible.

3. Learned State counsel has submitted that the Director would decide the application dated 05.04.2023 within a period of two weeks from the date of receipt of certified copy of present order and in case the plea of the petitioner is found to be meritorious, then necessary action in accordance with law, would be taken as expeditiously as possible.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.2 to consider the application dated 05.04.2023 within a period of two weeks from the date of receipt of certified copy of the present order. In case the plea of the petitioner is found to be meritorious, then necessary action in accordance with law, be taken as expeditiously as possible and in case the plea raised by the petitioner is found to be not meritorious, then a speaking order rejecting the claim of the petitioner be passed within a period of two weeks from the date of certified copy of the present order.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.2 would consider the application independently, in accordance with law.

(VIKAS BAHL)
JUDGE

May 10, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No