

CWP No.14169 of 2023

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

CWP No.14169 of 2023

Date of decision : 07.07.2023

Chhindo Bai Sarpanch

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Baldev Singh Sidhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. By way of filing present petition, the petitioner has approached this Court praying for issuance of a writ in the form of certiorari for quashing the order dated 05.05.2023 (Annexure P-1) passed by respondent No.2 whereby the petitioner has been suspended from the post of Sarpanch and order dated 15.06.2023 (Annexure P-2) vide which respondent No.1 has wrongly dismissed the appeal filed by the petitioner.

2. Learned counsel for the petitioner has vehemently contended that the petitioner is the sitting Sarpanch of Gram Panchayat Valle Shah Uttar, Block and District Fazilka. However, she has been illegally suspended vide impugned order dated 05.05.2023 by respondent No.2 on false and frivolous allegations which were not substantiated. He submits that the petitioner duly assailed the same by way of filing an appeal under Section 20(6) of the Punjab Panchayati Raj Act, 1994, but the same was illegally declined by respondent No.1, which is totally unsustainable in the eyes of law. He submits that the impugned order dated 05.05.2023

has been passed by respondent No.2 on the report of the BDPO, Fazilka holding that the petitioner purchased the material of worth Rs.16 lakhs but on the spot, no work has been carried out. He submits that the report given by BDPO is totally beyond the facts and circumstances of the case. He submits that the petitioner duly explained the expenses incurred by producing the record but the same was not appreciated and thus, a false report was made on the basis of which, the petitioner was illegally suspended. He submits that the show cause notice issued by the Deputy Secretary Punjab Government Rural Development and Panchayat Department, Fazilka was duly replied by the petitioner wherein a complete explanation was given. He submits that as per the Resolution dated 10.01.2022, all the payments above Rs.25,000/- had been made with the signatures of the BDPO, Fazilka. He submits that from the spot inspection, it is clear that the grant was sanctioned of Rupees Three Lakhs instead of Rupees Five Lakhs and the interlock tiles had been laid in the street. He submits that the learned Director sent a notice for personal hearing to the petitioner on 13.03.2023 and the petitioner duly appeared before him. They were directed that BDPO would get the work done measured again but despite that, BDPO did not call the petitioner, and she straight away received the suspension letter. He submits that the order passed by the learned Director in the appeal filed, is totally cryptic and thus, has been passed without assigning any reason. He submits that in view of the facts and circumstances and the material on record, the allegations levelled against the petitioner are totally false and frivolous and thus, the impugned orders being unsustainable in the eyes of law, deserve to be set aside.

3. I have heard learned counsel for the petitioner and perused the material on record.
4. Evidently, the petitioner is the elected Sarpanch of the Gram Panchayat Valle Shah Uttar Block and District Fazilka. On the allegations of misappropriating the public fund that were levelled against the petitioner, a report was sought from the BDPO, Fazilka. The allegations against the petitioner were enquired into and pursuant to the same, DDPO, Fazilka sent his report vide letter dated 03.11.2022 along with the report of BDPO, Fazilka to respondent No.2. It was duly established that the material of Rs.16 lakhs under the Punjab Nirman Scheme was sanctioned but no work was found to have been carried out. The impugned order regarding the suspension of the petitioner was passed on receipt of the report of the BDPO, which was made after a due inquiry and thus, in view of the statutory provisions of the Punjab Panchayati Raj Act, decision was taken which cannot in any way be termed as wrong or based on false or frivolous allegations .
5. Keeping in view the above, this Court do not find any infirmity in the orders passed by the authorities and thus, there being no perversity in the orders passed, the present petition being devoid of any merit is hereby dismissed.

07.07.2023
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(RAJESH BHARDWAJ)
JUDGE

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