

106

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

CWP No.14319 of 2023

Date of decision: 21.07.2023

Sarabjit Kaur, Sarpanch

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Siwan, Advocate for
Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for setting aside the order dated 11.05.2023 (Annexure P-3) passed by respondent No.1 and order dated 18.10.2022 (Annexure P-1) passed by respondent No.2.

Learned counsel for the petitioner has contended that the petitioner is the elected Sarpanch of Gram Panchayat village Tibba, Block Dhuri, District SAS Nagar, Mohali and had been performing her duty sincerely and honestly. He has submitted that some of the panches, who are interested in grabbing the Government funds and had a rivalry with the

petitioner filed frivolous complaint against her on the basis of baseless allegations. On the basis of the same, the petitioner has been suspended by respondent No.2 vide impugned order dated 18.10.2022. He has submitted that the allegations levelled against the petitioner for siding with the encroachers of the public street are totally baseless. He has further submitted that false and frivolous allegations of theft of bricks are levelled without any evidence on record. He has submitted that originally the public street was not straight which caused inconvenience to the villagers and it is on the basis of the amicable settlement among the villagers, the entire exercise for straightening the public street was carried out. He has submitted that the allegations pertaining to theft of bricks are totally false as the bricks were lying on the spot itself. He has submitted that show cause notice dated 30.08.2022 was served upon the petitioner in a predetermined manner. The petitioner duly replied the same but there was no appreciation by the respondents-authorities and thus, the petitioner was suspended totally in violation of the principles of natural justice as no opportunity of personal hearing was given to the petitioner. He has submitted that the allegations levelled against the petitioner do not fulfill the ingredients of Section 20 of the Punjab Panchayati Raj Act and thus, impugned order is totally unsustainable in the eyes of law.

He has submitted that the petitioner filed an appeal against the impugned order dated 18.10.2022 before respondent No.1. But respondent No.1 without appreciating the contentions raised by learned counsel for the petitioner rejected the same, which is totally unsustainable in the eyes of

law. He has submitted that petitioner is the elected Sarpanch and the impugned order being illegal deserves to be set aside.

This Court heard learned counsel for the petitioner and perused the material on record.

It is apparent from perusal of the record that the petitioner was elected as a Sarpanch of Gram Panchayat, village Tibba, District SAS Nagar, Mohali. A complaint was received against the petitioner wherein the allegations were levelled regarding the encroachment of public street and selling of the Government bricks. The petitioner was served with a notice dated 30.08.2022 under Section 20 of the Punjab Panchayati Raj Act, 1994 by affording her opportunity for replying the same within 15 days. In response to the same, the petitioner filed her reply and case was fixed for personal hearing on 17.10.2022 and 18.10.2022. During hearing on 18.10.2022, the petitioner neither appeared before the concerned authority nor informed about any reason for her absence. It cannot be said that the petitioner was not given an opportunity of being heard when she herself chosen not to appear on 18.10.2022 before the Competent Authority. Report dated 09.08.2022 was submitted by BDPO, Sherpur. It was found from the report that allegations made against the petitioner were found to be *prima facie* proved and thus, a regular inquiry to be conducted by ADC(D), Sangrur was ordered. Resultantly, petitioner was suspended by the Director, Rural Development and Panchayat Department under Section 20 of the Punjab Panchayati Raj Act vide his order dated 18.10.2022. Appeal against the same preferred by the petitioner before respondent No.1

under Section 20(6) of the Punjab Panchayati Raj Act was duly heard by the Appellate Authority. Arguments of both the sides were duly heard. Reports regarding the inquiries conducted on the complaint filed were appreciated. The DDPO, Sangrur had sent the report to Director vide his office letter dated 09.08.2022 wherein he agreed with letter dated 04.08.2022 of the BDPO, Sherpur. It was found that allegations against the petitioner were found to have been proved. It was observed in the report that Gram Panchayat had suffered loss of sum of Rs.60,268/-. Thus, finding no merit in the appeal, the Appellate Authority dismissed the same vide its impugned order dated 11.05.2023.

This Court after going through the record, do not find any perversity in the conclusion drawn by respondents No.1 & 2. It is also apparent from the record that regular inquiry has already been initiated against the petitioner to be carried out by ADC(D), Sangrur. Veracity of the allegations would be assessed on conclusion of the inquiry pending with the ADC(D), Sangrur.

This Court do not find any merit in this petition and thus, the same is hereby dismissed. It is apparent that inquiry is pending against the petitioner and the same deserves to be concluded expeditiously, thus, this Court direct the respondents to expedite the proceedings in the inquiry and conclude the same expeditiously in accordance with law preferably within two months from today.

21.07.2023

rittu

**(RAJESH BHARDWAJ)
JUDGE**

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