

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15209 of 2023
Date of Decision : 21.08.2023

Sher Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raj Kumar Arya, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 01.02.2023 (Annexure P-6) passed by respondent No.2 being illegal, null and void and against the law and based on conjectures and surmises and non appreciation of material evidence available on record. Further prayer has been made for staying the operation of impugned order dated 01.02.2023 passed by respondent No.2.

Learned counsel for the petitioners has submitted before this Court that the petitioners filed a complaint against respondent No.7 that she while being a Sarpanch of village Gram Panchayat Gande Pindi, Police Station Taragarh, Tehsil and District Pathankot along with Block Samiti Member, on the intervening night of 20/21.08.2020 had cut down the Seesham trees worth Rs.40,000/- from cremation ground and thus, has committed embezzlement of this amount. He has submitted that the

petitioners called the general meeting of the Gram Panchayat regarding illegal cutting down of the trees which had been reported to Secretary the Gram Panchayat of village Gande Pindi, District Pathankot, but despite that no action has been initiated by respondents No.3 & 5 against respondent No.7-Sarpanch. Having no alternative, the petitioners submitted a detailed complaint against respondent No.7 to respondent No.2. Resultantly, the inquiry was marked to respondent No.4 and detailed inquiry was conducted after visiting and inspecting the spot and taking into consideration all facts the assessment report was submitted by respondent No.6. The allegations against respondent No.7 were found correct during the inquiry dated 08.07.2021. He further submits that vide order dated 21.07.2022, respondent No.2 suspended respondent No.7 from the post of Sarpanch. Thereafter, another inquiry was got conducted by respondent No.2 through respondent No.3. He submits that vide impugned order dated 01.02.2023, respondent No.2 by ignoring the detailed inquiries and reports, reinstated respondent No.7 on the post of Sarpanch. He submits that the impugned order passed is totally against the evidence on record and thus, the same suffers from patent illegality, deserves to be set aside.

I have heard learned counsel for the petitioners and perused the material on record.

After hearing learned counsel for the petitioners and perusing the record, it is apparent that the regular inquiry was got conducted through the Additional Deputy Commissioner (D), Pathankot and the report was submitted on 25.11.2022. Statements of the concerned parties were recorded. It was found during the inquiry conducted by the Additional

Deputy Commissioner (D) that six trees from the cremation ground were cut to clean the cremation ground for laying tiles at the cemetery. Work of the tiles was done under the MGNREGA Scheme, which was done after the assessment carried out for the same. There were no roots of the cut down trees on the side where work had been done under the MGNREGA Scheme. Thus, the allegations made by the petitioners were found to be baseless during the regular inquiry conducted by the Additional Deputy Commissioner (D), Pathankot and hence, the reinstatement of respondent No.7 was recommended. In view of the same, respondent No.7 was reinstated.

Hence, on the basis of mere apprehension of the petitioner, the order under challenge cannot be held to be wrong or illegal. This Court does not find any perversity in the impugned order dated 01.02.2023 and accordingly, the writ petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

21.08.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No