

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

CWP-20031-2023

Date of decision : 12.09.2023

Sarabjeet Kaur

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for setting aside the impugned order dated 30.01.2023 (Annexure P-5) passed by respondent No.2 by which the petitioner has been suspended from the elected office of the Sarpanch of the Village Chugha, Block Guruharsahai, District Ferozepur, Punjab as well as impugned order dated 14.07.2023 (Annexure P-6) passed by respondent No.1 vide which appeal filed by the petitioner has been dismissed.

It has been contended by counsel for the petitioner that the petitioner was elected as Sarpanch of the Village Chugha, P.O. Sharin Wala Brar, Tehsil Guruharsahai, District Ferozepur, Punjab in the General Election of the Panchayats held in December, 2018. It is submitted that the Gram Panchayat of the Village is the owner of land which was given on lease by auction for Rs.14,57,000/-. The people of the Village demanded for the repair work of the streets and drainage system and for the same Rs.6,84,000/- had been spent by the Gram Panchayat and the cheques were issued to the different firms for the raw material purchased. He submits that for incurring expenditure, necessary

amount was withdrawn from the account of Gram Panchayat for the purpose of repair work of the streets. He has submitted that false and frivolous allegations were made against the petitioner that she had withdrawn the amount of Rs.6,84,000/- in connivance with her husband. It is submitted that the cheques had been handed over to the firm from which the material had been purchased by the Panchayat Secretary. It is submitted that the petitioner accounted for the complete expenditure incurred by her for the development of the Village. He has submitted that the petitioner gave a due explanation to the DDPO for the expenditure made by her. He submits that DDPO after getting the matter enquired from BDPO and Panchayat Secretary, sent the complaint to Director on 08.09.2022. He has submitted that enquiry conducted by DDPO was never communicated to the petitioner and she was suspended vide order dated 30.01.2023 without associating her in the enquiry conducted which is totally unsustainable in the eyes of law. He has submitted that aggrieved by the same, petitioner filed appeal before respondent No.1 and gave the complete account regarding the expenditure incurred by the petitioner but respondent No.1 without appreciating the evidence on record and the settled law, dismissed the same illegally and hence, the impugned order passed being unsustainable in the eyes of law, deserves to be *set aside*. He has submitted that the action of the respondent in suspending the petitioner is totally in violation of provision of Section 20 (5) of the Punjab Panchayati Raj Act, 1994 as neither the enquiry report was made available to the petitioner nor any notice had been issued to her and thus, she has been put under suspension in violation of the principles of natural justice. He has relied upon the judgments titled as **Smt. Rame**

Vs. State of Haryana and another, 2004(4) RCR (Civil) 487; Om Parkash Sarpanch Vs. Deputy Commissioner, 2001(3) RCR (Civil) 628.

Heard. As evident from the facts and circumstances of the case, petitioner was elected as Sarpanch of the Village in the General Election of the Panchayats held in December, 2018. The complaint was received against the petitioner from Harcharan Singh and other residents of the Village. The enquiry was instituted on the basis of same and was entrusted to the DDPO vide order dated 26.06.2019 (Annexure P-5). Enquiry was conducted and report of the enquiry dated 08.09.2022 (Annexure P-5 and P-6) was sent to the Director. It was found in the enquiry that the petitioner in connivance with her husband had withdrawn an amount of Rs.6,84,000/- from different accounts by forging the signatures of the Panchayat Secretary and BDPO. Thereafter, it was found that the petitioner had deposited the amount of Rs.6,84,000/- which was withdrawn. The report received was communicated to the petitioner vide order dated 23.11.2022 along with notice under Section 20 of the Act. She was directed to file the reply within 15 days from the date of issuance of notice. The petitioner filed the reply to the same. Reply filed by the petitioner was perused and petitioner was given an opportunity of personal hearing by respondent No.2. However, finding the same to be not satisfactory, it was *prima facie* found that she had violated the rules under the Act and thus, had misused her authority. Hence, finding her amenable for violating the statutory rules the action was taken against her as per Section 20(5) of the Act and thus, she was suspended by respondent No.2 vide impugned order dated 30.01.2023. Petitioner challenged the same by way of filing the appeal under Section 20(6) of

the Act. It is apparent that on the complaint filed against the petitioner enquiry was instituted and enquiry report was submitted by DDPO, Ferozepur. The allegations against the petitioner for withdrawing Rs.6,84,000/- from different banks by forging the signatures of Panchayat Secretary and DDPO were found to have been *prima facie* proved. Thus, the allegations against the petitioner were *prima facie* found to have been proved in the enquiry. Thereafter, the petitioner deposited this amount of Rs.6,84,000/- in the bank. Thus, finding no merit in the appeal, the same was dismissed. On appreciation of the arguments raised and the record of the case, this Court finds that the enquiry in the complaint filed against the petitioner was conducted and the allegations of withdrawing the amount of Rs.6,84,000/- from the account of Panchayat by forging the signatures were *prima facie* proved. Thus, enquiry report received was communicated to the petitioner and she was given an opportunity to file the reply to the notice. Thereafter she was afforded personal hearing as well by the respondents. Finding the petitioner guilty of the charges, the impugned order was passed after due compliance of the statutory provisions. The judgments as relied upon by counsel for the petitioner, in the facts and circumstances of the case, are distinguishable and are not applicable in the present case.

In the considered opinion of this Court, this Court finds no perversity in the orders passed by respondents No.1 and 2. Consequently, the present petition being devoid of any merits is hereby dismissed.

12.09.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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