

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

CWP-23052-2023

Date of decision : 15.11.2023

Malkit Singh Sarpanch

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. N.P.S. Mann, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Nitesh Singhi, Advocate
for respondents No.6 to 10.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing the impugned order dated 03.08.2023 (Annexure P-5) passed by respondent No.3/District Development and Panchayat Officer, Fatehgarh Sahib by which respondent No.5/Rajinder Kumar (Tona), Panchayat Secretary, has wrongly and illegally been appointed as the Administrator of Gram Panchayat Mandofal, on the basis of recommendation made by respondent No.4/ Block Development and Panchayat Officer, Khera, without considering the relevant provisions of law and also without considering the fact that the officials have failed to take action against the erring Panchas who intentionally and willfully are not attending the meetings of the Gram Panchayat and have made themselves liable for action as per the provisions of Section 20 of the Punjab Panchayati Raj Act, 1994, as the five erring Panchas, who have failed to come present in meetings of the Gram Panchayat and are continuously remaining absent and intentionally and willfully are not cooperating in the development works of the Gram

Panchayat are clearly liable for suspension/removal and Administrator cannot be appointed in a Gram Panchayat for the absence of Panchas from the meetings of the Gram Panchayat as per the provisions of Section 200 of Punjab Panchayati Raj Act, 1994. Further prayer has been made for directing respondents No.1 to 4 to the effect that the petitioner Sarpanch may kindly be allowed to function and perform his duties as per the provisions of Punjab Panchayati Raj Act, 1994 and necessary directions shall be issued to respondents No.1 to 4 to take action against the erring Panchas i.e. respondents No.6 to 10, who intentionally and willfully are not attending the meetings of the Gram Panchayat and thus have made themselves liable for action under Section 20 of Punjab Panchayati Raj Act, 1994 and respondents No.1 to 4 be restrained from appointing any administrator to the Gram Panchayat during the pendency of the writ petition.

Learned counsel for the petitioner fairly submits that though there is no Administrator as on date in the Village however, in case the respondent appoints an Administrator again then the statutory provisions of Section 200 of the Punjab Panchayati Raj Act, 1994 be strictly complied with.

Heard. After hearing counsel for the parties, it is apparent that the term of the Administrator though has expired however, in case any exigency so arise then the provision of Section 200 of the Punjab Panchayati Raj Act, 1994 be strictly complied with.

Petition is disposed of in the above-mentioned terms.

15.11.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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