

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24266 of 2023
Date of decision : 30.10.2023

Rajpal Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Kumar, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing the order dated 30.01.2023 (Annexure P-5) passed by respondent No.2, whereby respondent No.2 has suspended the petitioners from the post of Sarpanch and the post of Panch of the Gram Panchayat village Boot, and with due course the regular enquiry has been conducted and concluded by the Additional Deputy Commissioner (DEV.) Kapurthala (Annexure P-8) dated 15.06.2023 qua the petitioners, and the petitioners have been found innocent, but till date no order has been passed by respondent No.2 to reinstate the petitioners to the post of Sarpanch and Panches especially when the suspension orders were passed on 30.01.2023 nine months back and the terms of the Panchayat petitioners are going to be lapsed within a period of one month, so the operation of the impugned orders of suspension dated 30.01.2023 may kindly be stayed. Further prayer has

been made for deciding the pending appeals No.53 & 54 of 2023 filed by the petitioners which is pending since February 2023, but till date no interim orders have been passed despite the direction issued by this Court in CWP No.6464 of 2023, because the interim stay was not granted, as the regular enquiry was pending, but despite receiving the final enquiry report, no order has been passed by respondents No.1 and 2 despite receiving the regular inquiry on record with mala fide intention, so the impugned orders passed by respondent No.2 may kindly be ordered to be stayed during the pendency of the proceedings.

It has been contended by learned counsel for the petitioners that the petitioners are the elected Sarpanch and Panch and they were suspended on frivolous allegations vide order dated 30.01.2023. He submits that they filed an appeal assailing the same before the learned Financial Commissioner, however, no decision has been given on the same till date. He submits that terms of the petitioners are going to expire within a month and they will suffer an irreparable loss, if the appeal filed by them is not heard. He submits that the petitioners earlier approached this Court by way of filing CWP Nos.6436 & 6464 of 2023, which were disposed of vide order dated 29.03.2023 with a specific direction to decide the appeal expeditiously preferably within two months. He submits that despite the specific direction, no compliance has been done by the respondents.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents. She, on

instructions from Mr. Sunil Kumar Khosla, Legal Consultant, office of Director Panchayat, has submitted that after hearing, the learned Financial Commissioner has already quashed the suspension order and remanded the case to the Director for decision afresh vide order dated 26.10.2023 and the matter would now be decided by the learned Director expeditiously.

After hearing learned counsel for both the parties and perused the material on record, it is apparent that suspension order of the petitioners has already been quashed and at present, there is nothing against the petitioners. However, as stated by learned State counsel, the matter has been remanded back to the Director for decision afresh.

In view of this, the present petition stands disposed of with a direction to the Director, Panchayat, Rural Panchayat & Development, Mohali, Punjab to decide the matter in accordance with law expeditiously.

(RAJESH BHARDWAJ)
JUDGE

30.10.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No