

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.261 of 2024
Date of Decision: 09.01.2024

Gurpal Singh
..... 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.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the order dated 19.12.2023 (Annexure P-6) passed by respondent No.6 by which a wrong and false inquiry into the complete works done by the petitioner Sarpanch during the last 5 years has again been started for the second time and by completely ignoring the fact that already an earlier inquiry into the allegations against the petitioner Sarpanch was conducted by the Department and the same was decided in favour of the petitioner on 21.07.2023 (Annexure P-2) passed by respondent No.4 as nothing was found against the petitioner regarding the allegations of misappropriation of Government grants and earlier inquiry has never been set aside or quashed by any authority. Further prayer has been made for directing respondents No.1 to 6 to not to conduct a rowing and fishing inquiry into the complete record of the Gram Panchayat for the tenure of the

petitioner from December 2018 to till date as already an inquiry has been done and second inquiry into the same allegations will clearly be covered as per the provisions of double jeopardy and thus the respondents be restrained from conducting any such second inquiry as the same is clearly barred under the provisions of Estoppel and Resjudicata and the petitioner cannot be made to suffer twice for the same set of allegations and thus second inquiry is clearly hit under the principles of double jeopardy.

It has been contended by learned counsel for the petitioner that the petitioner is the sitting Sarpanch of the Gram Panchayat Jagatpura, Block Gandiwind, District Tarn Taran. He submits that since the day of his election, the petitioner is duly discharging his duties in accordance with law. However, on the basis of false and frivolous allegations, an inquiry was conducted against the petitioner on 21.07.2023 and all the allegations were found to be false and frivolous. He submits that now again the petitioner has been issued the notice dated 19.12.2023 only in order to harass him. He has submitted that once the petitioner has already been found innocent, the issuance of impugned notice is nothing but blatant violation of the established procedure of law.

Notice of motion to the official respondents at this stage.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab appears and accepts notice on behalf of respondents No.1 to 6. He has however submitted that the petitioner has been issued notice only to produce the record. He has submitted that the petitioner would be duly

heard and further proceedings would be carried out by associating the petitioner in accordance with law.

In view of the above position, the present petition is disposed of with direction to respondent No.6 to allow the petitioner to submit his grievances and proceed in the inquiry in accordance with law by adhering to the principles of natural justice.

(RAJESH BHARDWAJ)
JUDGE

09.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No