

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

CWP-3339-2024

Date of decision : 15.02.2024

Rajdeep Kaur Sarpanch (now under suspension)Petitioner

versus

The State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Baldev S. Sidhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

This petition has been filed praying for quashing the order dated 30.01.2023 (Annexure P-1) passed by respondent No.2-Director, Rural Development and Panchayat, Punjab vide which the petitioner has been suspended from the post of a Sarpanch without giving any notice to file the reply and without giving personal hearing and order dated 21.12.2023 (Annexure P-2) passed by respondent No.1 whereby the appeal of the petitioner has been dismissed illegally and without perusing the record produced on the file. Further prayer has been made for staying the impugned order dated 30.01.2023 (Annexure P-1) passed by the Director, Rural Development and Panchayat, Punjab vide which the petitioner has been suspended from the post of a Sarpanch and order dated 21.12.2023 (Annexure P-2) passed by respondent No.1 whereby the appeal of the petitioner has been dismissed.

It has been submitted by counsel for the petitioner that petitioner was the elected Sarpanch of the Village in the year 2018.

However, on the basis of false and frivolous allegations, she has been

suspended from the post of Sarpanch on the basis of the report sent by the District Development and Panchayat Officer, Mansa on 30.01.2023. Aggrieved by the same, petitioner filed an appeal before respondent No.1 but the same has been illegally dismissed vide order dated 21.12.2023. He submits that petitioner has sent representation dated 05.05.2022 to learned Director stating therein that the Panches of the Gram Panchayat Maujo Kalan were not attending the meeting called by the Sarpanch for starting the development work of the Village. He submits that petitioner also filed CWP No.11817 of 2022 for issuing direction to the Director to decide the representation. It is submitted that as the petitioner was suffering from health issues, she could not attend the meeting however, respondent No.2 without taking into consideration the genuine reasons given by the petitioner and without affording any personal hearing, suspended her from the post of Sarpanch vide impugned order dated 30.01.2023. It is submitted that the appeal filed against the same has also been dismissed vide order dated 21.12.2023. It has been contended by counsel for the petitioner that as the petitioner has not been provided any opportunity of personal hearing, the impugned order passed being totally in violation of the principles of natural justice, deserves to be quashed in the interest of justice. He relies upon the judgment titled as **Smt. Rame Vs. State of Haryana and another** passed in **CWP-11276-2004** decided on 29.07.2004.

Heard. On hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner was elected as Sarpanch of the Village in the election held on 30.12.2018. However, the BDPO, Bikhi reported that the Sarpanch of the Gram Panchayat does not have the

complete quorum and therefore, it is necessary to appoint the Administrator for carrying out the development work of the Village. On calling the meeting by the Sarpanch on 12.01.2022, 24.01.2022, 14.03.2022, the Panches did not agree with the Sarpanch and therefore, the Gram Panchayat meetings were held on 25.04.2022 and 19.05.2022 by the BDPO and Panchayat Officer, Bikhi but the Panches did not agree with the Sarpanch. All the Panches had also filed a complaint against the Sarpanch in the Office of the BDPO accusing her for the scam in grants but the Sarpanch did not participate in the investigation. It was also observed from the pages of the social sites presented by the Panchayat members that the husband of the petitioner misused the authority and threatened the officials and thus, the strict action was recommended under Section 20 of the Punjab Panchayati Raj Act, 1994 against the petitioner. As per the report filed by the District Development and Panchayat Officer, Mansa, the charges against the Sarpanch of using foul language against the department officials and threatening them were also found to have been proved. Thus, the petitioner was suspended by the Director Rural Development and Panchayat under Section 20 of the Punjab Panchayati Raj Act vide order dated 30.01.2023. This order has been assailed by the petitioner by way of filing the appeal before learned Financial Commissioner. Counsel for both the parties were heard and the allegations regarding the interference made by the husband of the petitioner and his outburst on the social media were also found to have been *prima facie* proved. Thus finding no merit in the appeal, the same was dismissed. It is apparent from the record, that the regular enquiry is already pending against the petitioner. The petitioner has been suspended

on the basis of the report filed by DDPO wherein the *prima facie* allegations against the petitioner were found to have been proved. However, as observed above, the regular enquiry is still pending. There is no dispute regarding the judgment relied upon by the petitioner however, the same is distinguishable on the facts and circumstances of the case especially when the regular enquiry initiated against the petitioner is pending. Thus, this Court does not find any merit in the petition for its interference at this stage and hence the same is dismissed. However, in the considered opinion of this Court, the regular enquiry initiated against the petitioner deserves to be concluded expeditiously and thus, the respondent-State is directed to conclude the regular enquiry within one month from the date of receipt of copy of this order. Needless to say that the petitioner would be provided opportunity of personal hearing before conclusion of the enquiry. Petitioner would be at liberty to avail her remedies in accordance with law in case any further cause of action accrues to her. A copy of this order be sent to the Enquiry Officer forthwith for compliance.

15.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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