

2026.PHHC.047684



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

**CWP-8377-2026 (O&M)
Date of Decision: 25.03.2026**

Kadam Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Deepak Kundu, Advocate
for the petitioners.

Mr. Harpreet Singh, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 06.02.2026 (Annexure P-4) passed by the learned Administrative Secretary to Government of Punjab, Department of Rural Development and Panchayats, whereby the matter has been remanded to the Director, Department of Rural Development and Panchayats, S.A.S. Nagar, Mohali, to pass a fresh order, in accordance with law, while keeping the suspension order dated 22.05.2025 (Annexure P-1) passed by the learned District Development and Panchayat Officer, S.A.S. Nagar, Punjab, intact and operative.

2. Notice of motion.
3. Mr. Harpreet Singh, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.
4. Heard.
5. Here it would be apposite to refer to Section 20(4) of the Punjab Panchayati Raj Act, 1994, which reads as under:-

“The Director at any time, and the Deputy Commissioner or the District Development and Panchayat Officer during the course of an enquiry, may suspend a Sarpanch or Panch for any of the reasons for which he can be removed.”

- 5.1 A perusal of the aforesaid provision makes it clear that the learned District Development and Panchayat Officer is empowered to suspend a Sarpanch or Panch (as the case may be), only during the course of an enquiry.

6. Coming to the case in hand, the operative part of the impugned order dated 06.02.2026 (Annexure P-4) passed by the learned Administrative Secretary to Government of Punjab, Department of Rural Development and Panchayats, reads as under:-

“Arguments heard. After hearing the parties it has been found that the appellants were suspended by District Development and Panchayat officer, SAS Nagar due to miscellaneous reasons as given in the suspension order and the appellants have preferred appeal against that suspension order. The said order has been passed by District Development and Panchayat Officer, Patiala after taking the report from Block Development and Panchayat Officer, Kharar. Hence, it is clear that the appellants have not been suspended during the pendency of the inquiry as required under Section 20(4) of Punjab Panchayati Raj Act, 1994.

Therefore, while keeping the suspension intact the case is remanded to Director, Rural Development and Panchayats to pass the orders in accordance with law in two months.

The appellants are asked to appear before Ld. Director for getting the adjudication done.”

6.1 A perusal of the aforesaid order would show that a categorical finding has been returned by the learned Administrative Secretary that the petitioners have not been suspended during the pendency of the inquiry as envisaged under Section 20(4) of the Punjab Panchayati Raj Act, 1994.

7. In view of the aforesaid categorical finding, there was no occasion for learned Administrative Secretary to have kept the suspension of the petitioners intact and at the same time remanded the matter to the learned Director, Department of Rural Development and Panchayats, S.A.S. Nagar, Mohali, to pass appropriate orders.

8. Keeping in view the above, the order dated 06.02.2026 (Annexure P-4) passed by the learned Administrative Secretary to Government of Punjab, Department of Rural Development and Panchayats, to the extent whereby the suspension of the petitioners has been kept intact, is hereby set aside.

9. Resultantly, the present writ petition is, accordingly partly allowed and disposed of in the aforesaid terms.

10. All pending application(s), if any, shall also stand closed.

25.03.2026

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No