

(2011) 09 P&H CK 0187

High Court Of Punjab And Haryana At Chandigarh

Case No: L.P.A. No. 1592 of 2011 (O and M)

Gurjinder Singh Sarpanch

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 2, 2011

Acts Referred:

- Punjab Panchayati Raj Act, 1994 - Section 20(4)

Hon'ble Judges: A.K. Goel, Acting C.J.; Ajay Kumar Mittal, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Adarsh Kumar Goel, A.C.J.

1 This appeal has been preferred against order of learned Single Judge, declining to interfere with the order of suspension dated 8.7.2011 u/s 20(4) of the Punjab Panchayati Raj Act, 1994 (for short, "the Act").

2. In the impugned order, it was observed that report dated 23.12.2010 had been made by the District Development and Panchayat Officer, Ludhiana, stating that a criminal case of cheating and forgery was registered against the Appellant and prima facie there was material justifying regular inquiry into the allegations. Accordingly, pending inquiry, the Appellant was placed under suspension. In the writ petition, the plea of the Appellant was that no inquiry was pending and the investigating agency had not yet filed its final report in the concerned Court.

3. Learned Single Judge observed that having regard to serious allegation of forgery, only relief which the Appellant was entitled was to expedite the inquiry.

4. We have heard learned Counsel for the Appellant.

5. Learned Counsel for the Appellant submits that order u/s 20(4) of the Act was without jurisdiction, as no inquiry was held.

6. We are unable to accept the submission. Report dated 23.12.2010, Annexure P-5, submitted by the District Development and Panchayat Officer recommends initiation of disciplinary action in view of report of the Block Development and Panchayat Officer, Khanna finding a prima facie case. On this recommendation, the impugned order has been passed, suspending the Appellant pending inquiry u/s 20(4) of the Act. In these circumstances, even if it is to be held that in absence of formal order of appointment of Inquiry Officer and issuance of charge sheet, technically inquiry had not yet started, learned Single Judge having directed conclusion of the inquiry within four months, there is no ground to interfere on a hyper technicality.

The appeal is dismissed.