
(1982) 10 P&H CK 0024
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 634 of 1975

Gram Sabha Sukhemajra and another. APPELLANT
Vs
Assistant Director Panchayats and others . RESPONDENT

Date of Decision : 05-10-1982

Acts Referred:

Citation : (1983) ILR (P&H) 74 : (1982) PLJ 482 : (1984) RRR 628

Hon'ble Judges : A.S.Bains, J

Advocate : Mr. Roshan Lal Sharma, Advocate., Advocates for appearing Parties

Judgement

A.S. Bains, J.

1. Paras Ram, respondent No. 2, was elected as Sarpanch of the Gram Panchayat, Sukhemajra in the election held in 1963. He was defeated in the elections held in 1972. At the time of taking over charge from respondent No. 2 by the successor Sarpanch, it came to light that lot of Panchayat funds had been misappropriated. As such, the Gram Panchayat filed a complaint against respondent No. 2 before the Block Development and Panchayat Officer, Nurpur Bedi, who after conducting preliminary enquiry issued a show cause notice to respondent No. 2 on 15th March, 1973, as required under subsection (2) of section 105 of the Gram Panchayat Act. Copy of this notice is annexed with the petition as Annexure P1. The Block Development and Panchayat Officer vide his order dated 3rd, January, 1974, held him guilty of misappropriating the funds of the Gram Panchayat to the tune of Rs. 21,614.41 paise. Copy of his order is annexed with the petition as Annexure P2. Against this order respondent No. 2 filed appeal before the Director of Panchayats, Punjab, Patiala Division, which was allowed by the Assistant Director vide his order dated 4th October, 1974, reducing the liability of respondent No. 2 from Rs. 21,614.41 to Rs.110/ only. Copy of the order passed by the Assistant Director is Annexed with the petition as Annexure P3. It is this order which is challenged by the Gram Sabha of Sukhemajra by way of this writ petition under Articles 226/227 of the Constitution.

2. The only grievance of the petitioner is that the Gram Panchayat was not heard at the time of passing the impugned order. It seems that the Gram Panchayat was not even made a party in the appeal preferred by respondent No. 2. Loss of Rs. 21,614.41 is to the Gram Panchayat and thus the Gram Panchayat was a necessary party. I am of the view that the Assistant Director should have heard the Gram Panchayat also before deciding the appeal filed by respondent No. 2. Thus, the impugned order suffers from infirmity and cannot be sustained and the same is hereby quashed. Accordingly it is directed that the Assistant Director will redecided the appeal of Paras Ram, respondent No. 2, after hearing the Gram Panchayat and other interested parties.

3. In the result this petition is allowed, but there will be no order as to costs.