

(2016) 09 P&H CK 0239

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition Nos. 18071, 18079, 18080 and 18082 of 2016.

Kamaljit Kaur and Others - Petitioners @HASH State of Punjab and Others

Date of Decision : 02-09-2016

Acts Referred:

Punjab Panchayati Raj Act, 1994 — Section 20, Section 23

Citation : (2017) 2 PLR 483 : (2017) 1 RCRCivil 497

Hon'ble Judges : Rameshwar Singh Malik, J.

Bench : Single Bench

Advocate : G.S. Sidhu, Advocate, for the Petitioners

Final Decision : Dismissed

Judgement

Rameshwar Singh Malik, J. (Oral)—These four identical writ petitions bearing CWP Nos. 18071, 18079, 18080 and 18082 of 2016, are being decided vide this common order, as all these four cases are arising out of similar facts and issues involved therein are also the same. However, for the facility of reference, facts are being culled out from CWP No. 18071 of 2016 (Kamaljit Kaur and others v. State of Punjab and others).

2. Feeling aggrieved against the impugned appellate order dated 25.5.2016 (Annexure P-10) passed by the Secretary to Government of Punjab, Department of Rural Development and Panchayats-respondent No.1, complainants have approached this Court by way of these four similar writ petitions, seeking a writ in the nature of Certiorari, for quashing the impugned order.

3. Heard learned counsel for the petitioners.

It is a matter of record that identical suspension orders were passed against the private respondents who were members of the Gram Panchayat. These suspension orders were passed by the Director, Rural Development and Panchayats. Genuinely feeling aggrieved, suspended Panches filed their respective appeals before the appellate authority-respondent No.1. After hearing the parties, the impugned orders of even date were passed by the appellate

authority, allowing the appeals of the suspended Panches, setting aside their suspension orders. Petitioner No.1, who is Sarpanch of the Gram Panchayat and petitioners No.2 and 3, who were Panches of the same Gram Panchayat, have approached this Court by way of these four writ petitions.

4. This is yet another glaring example of party faction, at the village level politics, in the respondent-State, which is becoming a constant hurdle in the way of carrying out the developmental works in rural areas. Sometimes, a group of Panches in minority would approach this Court by way of a writ petition seeking appointment of an Administrator for their Panchayat. Sometimes, a group of Panches would be seeking suspension of Sarpanch. It is not wrong to say that hardly any Gram Panchayat is working smoothly in the respondent-State. The basic reason which seems to be the cause of this avoidable litigation is tussle of ego amongst Panches and Sarpanch of Gram Panchayat and because of this unwarranted situation created due to their in fighting, development activities have come to a standstill and general public is the ultimate sufferer. The very object and purpose of Local Government through the Gram Panchayats, is being defeated.

5. While setting aside the suspension orders, the appellate authority has expressed its anguish in clear terms, in the operative part of the impugned order and the same deserves to be noticed here, which reads as under:-

"Surprisingly, the Director initially issued a show cause notice to the appellant on 02.02.2016 and later on, on the same date the appellant was suspended from the post of Panch. The suspension order was issued by the office of Director on 08.03.2016. This suspension order does not find any mention of the show cause notice which was issued on 02.02.2016. This fact implies that the appellant was not given chance to explain his version. Rather, he has been condemned unheard. Furthermore, the fact that first a notice was issued but instead of waiting for the appellant to reply, the letter was suspended on the same very date. This smacks of high handedness and does not reflect good or the working of the office of the Director. It is also observed that the allegation "established" by the DDPO prior to the suspension order, is only an eye wash. The DDPO relied only on the version of the Sarpanch, respondent No.4 and that of the Panchayat Secretary. He did not try at all to go a bitter deeper into the allegations made by the Panches (including the appellant) against the Sarpanch and her father. The "enquiry officer" did not utter a single word on the correctness or otherwise of these allegations. Such a report has no meaning and the Director should have simply filed it. But that was not to be."

The abovesaid observations made by the appellate authority are based on ground realities and no fault can be found with the same. Having said that, this Court feels no hesitation conclude that respondent No.1 committed no error of law, while passing the impugned order and the same deserves to be upheld.

6. The Director, while passing the suspension orders, acted as a quasi-judicial

authority. Suspension orders would entail civil consequences. Under such circumstances, administrative authorities, while acting as quasi-judicial authorities, are duty bound to follow the basic principles of natural justice, while deciding the valuable rights of the citizens. However, in the cases in hand, respondent No.2 has failed to do so and that too, for undisclosed reasons. In such a situation, the appellate authority-respondent No.1 was well justified, while setting aside such arbitrary and patently illegal suspension orders. Appeals of the suspended members of Gram Panchayat were rightly allowed. Under these circumstances, it can be safely concluded that neither the appellate authority has exceeded its jurisdiction nor committed any illegality, while passing the impugned orders and the same deserve to be upheld, for this reason also.

7. No other argument was raised.

8. Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that impugned order passed by respondent No.1 deserves to be upheld. All the four writ petitions are wholly misconceived, bereft of merit and without any substance, thus, these must fail. No case for interference has been made out.

9. Resultantly, with the observations made above, all these four writ petitions stand dismissed, however, with no order as to costs.