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**(2007) 12 P&H CK 0064**  
**In the Punjab And Haryana At Chandigarh**

Midha Ram

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

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**Date of Decision :** 18-12-2007

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227

**Citation :** (2008) 149 PLR 701

**Hon'ble Judges :** Satish Kumar Mittal, J;K.C. Puri, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

Satish Kumar Mittal, J.—The petitioner, who is an authorised Panch, has filed this petition under Articles 226/227 of the Constitution of India for quashing the order dated 17.9.2007 passed by the Secretary to Government of Punjab, Department of Rural Development and Panchayat, allowing the appeal filed by respondent No. 3 Satnam Singh, the Sarpanch of Gram Panchayat Rajla, Block Samana, District Patiala, u/s 20(6) of the Punjab Panchayati Raj Act, 1994 (hereinafter referred to as "the Act"), and setting aside the order of his removal from the post of Sarpanch.

2. In the present case, respondent No. 3 was elected as Sarpanch of Gram Panchayat Rajla, Block, Samana, District Patiala. The disciplinary proceedings and enquiry u/s 20 of the Act were initiated against him on two charges, firstly that he withdrew grant of Rs. 1,50,000/- and 120 quintals of wheat amounting to Rs. 60,000/- of the Gram Panchayat from the bank and spent the same for his personal needs; and secondly that he did not deposit Rs. 1,66,000/-, the amount of lease, and straight way spent the same without depositing in the bank. The charges were enquired into in a regular enquiry and on the basis of the Enquiry Report, the Director, Panchayat, Punjab (respondent No. 2 herein) vide his order dated 23.1.2007 ordered the removal of respondent No. 3 from the post of Sarpanch. Against that order, respondent No. 3 filed an appeal before the Secretary to Government of Punjab, Department of Rural Development and

Panchayat (respondent No. 1 herein). The said appeal has been allowed and it has been found that the Sarpanch had received the grant mentioned in the first charge and the same was spent by way of proper resolution copies of which were placed on the record of appeal. The Sarpanch had also produced cash book of the Gram Panchayat, in which all the amounts of grant received by the Gram Panchayat were duly mentioned and expenditures of the same were duly recorded. By taking into consideration all these facts, the appeal of respondent No. 3 has been allowed and his removal order has been set aside. Against the said order, the petitioner, who is working as an authorised Panch, has filed this petition.

We have heard learned Counsel for the petitioner.

3. In our opinion, in view of the law laid down by this Court in *Gram Panchayat, Dusanjh Khurd, District Jalandhar v. State of Punjab* and Ors. (2002) 131 P.L.R. 183, the petitioner is not an aggrieved person within the meaning of Section 20(6) of the Act, who can file the appeal against the order of setting aside the removal order. Even otherwise, we have gone through the impugned order. The Appellate Authority, after taking into consideration the records of the Gram Panchayat, has come to the conclusion that the petitioner has neither caused any loss to the Gram Panchayat nor embezzled any amount of the grant. From the amount received by the Sarpanch, a grant was duly spent and was duly recorded in the cash book of the Gram Panchayat. In the writ jurisdiction, we are not inclined to interfere in the said order at the instance of the petitioner, whose locus standi to file this petition is doubtful, on the allegations that the Appellate Authority has not properly appreciated the material available on the record.

Dismissed.