
(1982) 07 P&H CK 0020

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 2124-A of 1980

Rai Singh and others

APPELLANT

Vs

Director Panchayats and others

RESPONDENT

Date of Decision : 30-07-1982

Acts Referred:

Citation : (1982) PLJ 476 : (1984) RRR 623

Hon'ble Judges : I.S.Tiwana, J

Advocate : Mr. Chandra Singh, Advocate., Advocates for appearing Parties

Judgement

I.S. Tiwana, J. (Oral)

1. The petitioners who were duly elected panches of Gram Panchayat, Dhanoda, Tehsil and District Mohindergarh, impugn the order dated 5th June, 1980, passed by respondent No. 1, reinstating respondent No.3 who had been suspended from the offices of Sarpanch of the said Gram Panchayat vide order dated April 15, 1980, during the pendency of an enquiry against him. The primary challenge to this order is on the basis that the petitioners who were the complainants against respondent No.3 and whose complaint had led to the suspension of the said respondent, were neither afforded any opportunity of being heard nor were they otherwise made aware of the intention of respondent No. 1 to reinstate respondent No.3 prior to the passing of the impugned order. In the return filed on behalf of respondent Nos.1 and 2, it has been stated that the petitioners had no such right in law and, therefore, the impugned order is not violative of any provision of law or rules of natural justice. This stand of the respondents, to my mind, is wholly unsustainable in the light of the two earlier judgments of this Court in *Mange Ram v. The State of Haryana and others*, 1968 P.L.R. 307, and *Suresh Chand v. Ved Parkash*, 1979 P.L.R. 96 : 1985 R.R.R. 518, wherein it has categorically been laid down that before such an order of reinstatement or revocation of suspension of a Sarpanch is passed by the competent authority before the completion of the enquiry, the complainant, on whose complaint the order of suspension was passed, is entitled to be heard.

2. For the reasons recorded above, this petition succeeds, and the order dated June 5, 1980, passed by the respondent No. 1, reinstating respondent No. 3, is annulled. However, it is made clear that in case by now the enquiry against respondent No. 3 has been completed one way or the other, then the suspension of that respondent automatically stood terminated and this order would not have the effect of placing him under suspension over again. I pass no order as to costs.