

(1995) 05 P&H CK 0025
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3742 of 1981

Ram Phal Thakhar Sarpanch (Under Suspension) Gram
Panchayat

APPELLANT

Vs

Deputy Commissioner and Another

RESPONDENT

Date of Decision : 03-05-1995

Acts Referred:

Punjab Gram Panchayat Act, 1952 — Section 102, 105

Citation : (1995) 111 PLR 550

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : I.S. Balhara, for the Appellant; Vijay Pal Singh, A.A.G., for the Respondent

Judgement

T.H.B. Chalapathi, J.—This writ petition is filed by the petitioner who is Sarpanch of the Gram Panchayat, Village Bohaka, Tehsil Rewari, District Mohindergarh, for quashing the orders of the Deputy Commissioner, dated July 21, 1981, suspending him as Sarpanch of the village.

2. The petitioner was a Sarpanch of village Bohaka. It appears that as Sarpanch he has shown an amount of Rs. 6000/- for purchase of stones for construction of culverts as against the estimated expenditure of Rs. 6570/-. The total estimated expenditure of culverts was Rs. 6470/-. The price of stones was Rs. 3288/- only according to the assessment and, therefore, the Sarpanch has shown the payment of Rs. 2712/-in excess which indicated that he had misused the said amount. Accordingly, by his order dated July 9, 1981, the Deputy Commissioner ordered a regular enquiry against the petitioner by appointing the Sub Divisional Officer (Civil) as an Enquiry Officer. Subsequently, on July 21, 1981, the Deputy Commissioner also kept the petitioner under suspension as Sarpanch of Gram panchayat, village Bohaka. The petitioner filed this writ petition against the orders of the Deputy Commissioner dated July 21, 1981, the Deputy Commissioner also kept the petitioner under suspension as Sarpanch of Gram

panchayat, village Bohaka. The petitioner filed this writ petition against the orders of the Deputy Commissioner dated July 21, 1981, keeping him under suspension. The operation of the order of suspension (Annexure P-2) was stayed by this Court on August 18, 1981. There is no dispute of the fact that the term of the Sarpanch expired by lapse of time. Therefore, the order of suspension will automatically come to an end. Therefore, the writ petition can be disposed of on that basis. But the learned counsel for the petitioner further contended that though a regular enquiry in which the alleged misappropriation of funds by the petitioner was ordered in the year 1981 till now no action or enquiry has been taken or conducted. He further contended that the impugned order had been passed at the instance of the then M.L.A. who is now a minister in the State of Haryana. Therefore, the petitioner apprehends that if the writ petition is disposed of as having become infructuous, the authorities at the instance of the minister may revive the proceedings against the petitioner. But it is to be seen that though the Deputy Commissioner ordered regular enquiry in the year 1981, no enquiry has taken place so far. Even if it is assumed for a moment that a sum of Rs. 2712/- was misused by the petitioner, the Government cannot recover the said amount because of the bar of limitation. Nothing prevented the authorities from holding regular enquiry as per the orders of the Deputy Commissioner dated July 9, 1981, as the operation of the said order was not stayed by this Court. I do not think it will be appropriate for the authorities to conduct an enquiry after a lapse of fourteen years when they have not taken any action all these years in pursuance of the orders of the Deputy Commissioner dated July 9, 1981.

3. I am of the opinion of that it is just and proper to direct the authorities not to proceed with the enquiry as ordered by the Deputy Commissioner by his order dated July 9, 1981 as no purpose will be served by holding such an enquiry at this stage. The writ petition is disposed of accordingly.