
(2002) 11 P&H CK 0137
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 13355 of 2000

Sahib Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 14-11-2002

Acts Referred:

Haryana Panchayati Raj Act, 1994 — Section 51(1)

Citation : (2003) 134 PLR 514 : (2003) 2 RCR(Civil) 398

Hon'ble Judges : Virender Singh, J;V.K. Bali, J

Bench : Division Bench

Judgement

V.K. Bali, J.—Whereas, counsel for the petitioner, for the proposition that the Deputy Commissioner, while exercising powers u/s 51(1) of the Haryana Panchayati Raj Act, 1994, has to observe the principles of natural justice and besides providing adequate opportunity to explain to the concerned person, has also to record sufficient reasons to support his cause that because of the allegations or registration of the criminal case against the delinquent, he (delinquent) will not be in a position to perform his duties as Sarpanch, relies upon a Division Bench judgment of this Court in Mange Ram, Sarpanch Gram Panchayat Vs. Financial Commissioner and Secretary to Government, Development and Panchayat Department, Haryana, Chandigarh and others, , which in turn is based upon Full Bench judgment of this Court in Kashmiri Lal Vs. The Dy. Commissioner, Sonapat and Others, , counsel representing the respondent relies upon a Division Bench judgment of this court in Garja Singh v. The Financial Commissioner and Principal Secretary to Government of Haryana and Anr., C.W.P. No. 9797 of 2002, decided on July 4, 2002, to contend otherwise. The Division Bench, dealing with Garja Singh's case (supra), it appears, decided the matter in limine and no reference of the other judgments as mentioned above has been made therein. What, however, is far more significant is that in none of the judgments, it is mentioned as to what are those facts and circumstances which would constitute moral turpitude and would be such as may embarrass the incumbent in the discharge of this duties.

2. Prima facie, it appears to us that when a person is involved in a criminal case, same may not, in all events, be such that may amount to moral turpitude but is likely to embarrass him in the discharge of his duties. That being so, we are of the view that the matter needs deeper consideration and it is not such which may be decided at the motion stage. Admitted.

3. As the questions involved in this case are arising and are likely to arise in number of cases, we direct the listing of the case for final hearing on 12.2.2003.