

(1986) 05 P&H CK 0074
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 386 of 1986

Surat Singh Sarpanch

APPELLANT

Vs

Commissioner and Secretary to Government Haryana,
Development and Panchayat Departments, Chandigarh and
others

RESPONDENT

Date of Decision : 14-05-1986

Acts Referred:

Citation : (1988) 2 ILR (P&H) 273 : (1987) PLJ 616 : (1988) 1 RRR 224

Hon'ble Judges : S.P.Goyal, J and I.S.Tiwana, J

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

Judgement

S.P. Goyal, J.

1. A regular enquiry was instituted against the petitioner under Section 102 of the Punjab Gram Panchayat Act. During the pendency of that enquiry he was put under suspension vide orders dated April 18, 1985. He filed an appeal before the Commissioner against his suspension but failed. Thereafter, this petition has been filed under Article 226 of the Constitution to challenge the said orders.

2. One of the charges levelled against the petitioner was that he had been keeping large amounts to the tune of Rs. 20,000/ or more with him in violation of the Rules according to which Sarpanch cannot keep more than Rs. 250/ with him at any given time. The learned counsel for the petitioner contended that on this charge he cannot be removed from the office of the Sarpanch because unless he is required to deposit the excess amount by special or general order and he failed to deposit the said amount. Keeping of the amount of more than Rs. 250/ would not be a disqualification within the meaning of section 5(5)(o) of the Act. If the charge had been under section 102(2)(a) the contention of the learned counsel would be unexceptionable but the charge levelled would squarely be covered by clause (d) of section 102(2) which says that the Sarpanch can be removed if in the opinion of the director, he has been guilty of misconduct in the discharge of his duties or whose continuance in office is undesirable in the

interest of the public. If a Sarpanch keeps the amount to the tune of Rs. 20,000/ for a number of months with him it will certainly amount to misappropriation of the Panchayat funds, may be for limited period. The charge of misappropriation of Panchayat funds, may be for a couple of months, would certainly amount to misconduct within the meaning of clause (d) of section 102 (2). The charge regarding the keeping of the amount beyond the prescribed limit, if proved, would be sufficient to remove the Sarpanch and as such no fault can be found with the suspension order. The learned counsel for the petitioner also sought to argue that the charges levelled are without any basis. The enquiry having not been conducted as yet it would not be open for the Court to go into the merits of those charges. We, therefore, find no merit in this petition which is accordingly dismissed.