

(2010) 04 P&H CK 0003
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6454 of 2010

Surender Singh Sarpanch

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-04-2010

Acts Referred:

Citation : (2011) 161 PLR 153 : (2010) 4 RCR(Civil) 518

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajan Gupta, J.—The Petitioner has preferred the present writ petition challenging the order dated 11.2.2010 (Annexure P-2), passed by Respondent No. 3 and order dated 9.3.2010 (Annexure P-3), passed by Respondent No. 1, whereby Petitioner was directed to be placed under suspension.

2. The Petitioner was elected as Sarpanch of Gram Panchayat Village Chhochhi in the general elections held in the year 2005. On 20th March, 2009, a show cause notice was issued to the Petitioner for causing financial loss to the Panchayat and keeping cash in hand beyond prescribed limit. He was accordingly placed under suspension by the Deputy Commissioner, Jhajjar vide order dated 11th February, 2010 (Annexure P-2). The Petitioner preferred an appeal against the said order before Respondent No. 1, which was dismissed on 9th March, 2010 (Annexure P-3).

3. Learned Counsel for the Petitioner has argued that the order of suspension is unsustainable as copy of inquiry report was never supplied to him, due to which he was handicapped in preparing a proper reply to the show cause notice. This apart, he submits that the Petitioner has been suspended on the basis of very flimsy allegations.

4. I have heard learned Counsel for the Petitioner and perused the record annexed with the petition.

5. A perusal of the order passed by the Financial Commissioner shows that the Petitioner failed to deposit the lease money amounting to Rs. 2,84,000/- in the Panchayat fund. Thus, amount was kept by him for quite some time: The Financial Commissioner, thus, came to the conclusion that allegations against the Petitioner of keeping cash in hand beyond prescribed limit, was serious enough to warrant for his suspension. However, while dismissing the appeal, he directed that the regular inquiry against the Petitioner be completed within a period of six weeks.

6. The counsel for the Petitioner has been unable to point out any legal infirmity with the impugned order. The Petitioner has rushed to this Court without waiting for the outcome of the regular inquiry pending against him. Keeping in view the nature of allegations leveled against the Petitioner as well as pendency of inquiry against him, I do not find it a fit case to interfere in the impugned order in writ jurisdiction of this Court.

7. The petition is devoid of merit and the same is hereby dismissed.