

SAROJ BALA V/S STATE OF PUNJAB AND OTHERS

Present :- Mr. Akshit Pathania, Advocate and
Mr. Samay Sandhawalia, Advocate
for the petitioner.

Prayer in the present petition is for quashing the impugned order dated 14.07.2023 passed by Financial Commissioner, Department of Rural Development and Panchayat, Punjab vide which the appeal filed by the petitioner under Section 20(6) of the Punjab Panchayati Raj Act, 1994 against the impugned order of suspension passed by Director, Rural Development and Panchayat, Punjab dated 25.05.2023 has been dismissed in limine without affording an actual hearing to the petitioner.

It has been contended by counsel for the petitioner that petitioner is the elected Sarpanch of the Village who has been suspended in a clandestine manner. It is submitted that for dismantling the existing Dharamshala by adopting the procedure, resolution dated 27.07.2019 was passed and the decision taken in the resolution was also ratified by the Panchayat Secretary. It is further submitted that thereafter, Junior Engineer gave the estimate and as per calculation, estimate cost for dismantling the Dharamshala came to be Rs.43,320/-. He submits that on the frivolous ground that the petitioner caused loss of Rs.14,000/- to the Gram Panchayat as the material retrieved from dismantling of dharamshala was misutilised is totally beyond the evidence on record. It is submitted that out of total estimated cost of dismantling of dharamshala of Rs.14,000/- was paid to the contractor himself and thus, there was no misappropriation/embezzlement of money as alleged by the respondents

while suspending the petitioner. He submits that the suspension of the petitioner is totally against the settled proposition of law and learned Financial Commissioner has also not taken into consideration the same and thus, illegally dismissed the appeal filed by the petitioner which is unsustainable in the eyes of law.

Notice of motion for 08.02.2024.

Operation of the impugned order dated 25.05.2023 shall remain stayed till the next date of hearing.

10.08.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE