

**Sh. Lalu Vs. Deputy Commissioner, Chamba & Ors.
CWP No. 15401 of 2025.**

23.09.2025 Present: M/s Anuj Gupta and Rohit Sharma, Advocates, for the petitioner.
Mr. Pushpinder Jaswal, Additional Advocate General, for the respondents.

CWP No. 15401 of 2025 & CMP No. 23549 of 2025

Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of the respondents.

The petitioner is aggrieved by order dated 09.09.2025, Annexure P-5, in terms whereof, the District Panchayat Officer has placed the petitioner under suspension.

On a query put to the learned counsel for the petitioner as to why the petitioner has not availed the right of appeal under Rule 143 of the Himachal Pradesh Panchayati Raj (General) Rules, 1997 (hereinafter referred to as 'the 1997 Rules'), he apprised the Court that the Appellate Authority against the order and proceedings of District Panchayat Officer is the District Commissioner of the concerned division, however, in the present case, the petitioner had filed an Appeal before the Divisional Commissioner for the reason that herein the show cause

notice was issued by the Deputy Commissioner, whereas, the order of suspension has been passed by the District Panchayat Officer.

Having heard learned counsel for the petitioner and having perused the documents appended with the petition, this Court is of the considered view that there is a patent illegality in the proceedings which were initiated against the petitioner by the Authorities. Annexure P-3 is the show cause notice dated 09.07.2025 and the author of this notice is Deputy Commissioner, Chamba. On the basis of this show cause notice and reply filed thereto, the District Panchayat Officer has placed the petitioner under suspension vide Annexure P-5, dated 09.09.2025.

This Court is of the considered view that that show cause notice in the present case could not have been issued by the Deputy Commissioner but could have been issued by the District Panchayat Officer itself, because by no stretch of imagination in such like case, show cause notice can be issued by Authority A and the order of suspension can be passed by Authority B. Otherwise also, in terms of Rule 142 (a) of the 1997 Rules, the prescribed Authority for the purpose of Section 145 of the Himachal Pradesh Panchayati Raj Act, 1994, is District Panchayat Officer, who can place the petitioner under suspension.

Therefore, as prima facie the impugned order is bad in the eyes of law, till further orders, the operation of order dated 09.09.2025, Annexure P-5 is hereby stayed.

List on **15.10.2025**, as prayed for. Reply be filed, in the meanwhile.

(Ajay Mohan Goel)
Judge

September 23, 2025
(Shivank Thakur)