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SLP(C)No. 1341 OF 2002  
ITEM No.35

Court No. 7

SECTION IVB  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.1341/2002

(From the judgement and order dated 05/10/2001 in CWP 9045/01  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SURINDER SINGH

Petitioner (s)

VERSUS

FINANCIAL COMMNR. & SECY. TO GOVT. & ORS

Respondent (s)

(With prayer for interim relief)

Date : 05/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Sanjay Sarin, Adv. for  
Mr. Ashok Mathur, Adv.

For Respondent (s) Mr. Neeraj Kr. Jain, Adv.  
Mr. Aditya Kr. Chaudhary, Adv.  
Mr. Bharat Singh, Adv. for  
Mr. Ugra Shankar Pd., Adv.

Mr. J.P. Dhanda, Adv.  
Mr. KP Singh, Adv.  
Ms. Raj Rani Dhanda, Adv.  
Mr. DS Nagar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

...L.....I....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.

Heard the learned counsel for the parties.

The appeal is disposed of in terms of the signed order  
with no order as to costs.

.SP1

(D.L. Chugh)  
Court Master

(V.P. Tyagi)  
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL No.2477 OF 2002  
(Arising out of SLP (C) No.1341 of 2001)

Surender Singh  
Versus  
The Financial Commissioner & Secretary  
to Government, Haryana and others

& Appellant  
  
& Respondents

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The High Court of Punjab and Haryana at Chandigarh by its judgment and order dated 5th October , 2001 dismissed Civil Writ Petition No.9045 of 2001 and confirmed the order passed by the Financial Commissioner setting aside the order passed by the Deputy Commissioner suspending respondent-Sarpanch, Gram Panchayat of village Kharajpur.

It has been pointed out in this appeal that there are serious charges of financial irregularities and misconduct against respondent no.3. Considering the financial irregularities, respondent no.3 was suspended by the Deputy Commissioner by exercising the powers under Section 51(1)(b) of the Haryana Panchayati Raj Act, 1994. The said section inter alia empowers the Deputy Commissioner concerned to suspend any Sarpanch or Panch during the course of an enquiry for any of the reasons for which he can be removed, after giving him adequate opportunity to explain.

Undisputedly, for the serious charges of financial misconduct, departmental enquiry is being conducted against respondent no.3. In this set of circumstances, it cannot be said that Deputy Commissioner has committed any irregularity or illegality in suspending respondent no.3 pending departmental enquiry. While passing interim order prima facie charges are to be considered and detailed reasons are not required to be recorded otherwise it may affect pending enquiry. Further, in such cases, there is no question of appellants suffering any loss. The loss may be to the panchayat. In this view of the matter, impugned order passed by the High Court confirming the order of the Financial Commissioner is set aside and the order of the Deputy Commissioner dated 16th April 1, 2001 suspending respondent no.3 is restored. However, the competent authority shall expedite the enquiry which is pending against respondent no.3. Appeals stands disposed of accordingly. However, there shall be no order as to costs.

& & & & & & & & & ..J.  
(M.B. SHAH)

& & & & & & & & ..J.  
(RUMA PAL)

New Delhi;  
April 5, 2002.