



2026:HHC:8647

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3648 of 2026

Decided on: 24th March, 2026

Satpal Sharma

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Ajay Sharma, Senior Advocate
with Mr. Surya Bhan Singh, Advocate.

For the Respondents: Ms. Menka Raj Chauhan, Deputy
Advocate General, for respondents No.1
to 6.

Jyotsna Rewal Dua, Judge

Notice confined to respondents No.1 to 6, which
is waived by Ms. Menka Raj Chauhan, learned Deputy
Advocate General.

In view of the grievance raised in the writ
petition, submissions made by learned Senior Counsel for
the petitioner and the order being passed hereinafter,
neither notice of this petition is required to be issued to
respondent No.7 nor reply is required to be called for from

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



the appearing respondents. The matter has accordingly been heard at this stage.

2. Petitioner has prayed for the grant of following substantive reliefs:-

- “(i) That the show cause notice dated 7.1.2027 and the inquiry report contained therein forwarded by SDO (C) to Collector Una vide his letter dated 10.9.2025, Annexure P-1 and letter of the District Panchayat Officer dated 27.2.2026, Annexure P-4 may kindly be quashed and set aside being untenable in the eyes of law.*
- “(ii) That the respondents may kindly be restrained from taking any coercive action against petitioner, particularly in view of the submissions made above as action of the respondents are hit by the provisions of Limitation Act, discriminatory in nature and yet more without taking final call on the subject in question and facts above stated would depict that the respondents are trying to put cart before the horse.”*

3. Petitioner was serving as Pradhan of Gram Panchayat Kalruhi, Tehsil Amb, District Una. A preliminary inquiry was conducted with respect to the allegations leveled against him. The preliminary inquiry report was furnished on 29.11.2021. Show cause notice on the basis of preliminary inquiry report was issued to the petitioner on 09.05.2023. Petitioner responded to the same on 28.06.2023. The respondent-Department found petitioner's reply to be unsatisfactory and accordingly, sought approval from the competent authority on 24.08.2023 for conducting regular inquiry against the petitioner. Approval was granted on 05.09.2023. Pursuant thereto, the Sub-Divisional Officer



(Civil), Amb was appointed as regular inquiry officer on 18.10.2023. He furnished his inquiry report on 10.09.2025, holding that some charges leveled against the petitioner had been proved. Based upon the said inquiry report, a show cause notice was issued to the petitioner by the Deputy Commissioner, District Una on 07.01.2025 (sic 07.01.2026). Petitioner filed his response to the show cause notice on 19.01.2026.

4. Learned Senior Counsel for the petitioner submits that the show cause notice issued to the petitioner by the Deputy Commissioner, Una on 07.01.2026 is presently under adjudication before the said authority. No final order/decision upon the same has yet been taken by the Deputy Commissioner, Una. Despite this, respondent No.5, i.e. the District Panchayat Officer, Una vide office letter dated 27.02.2026 (Annexure P-4), has ordered to recover 20% of the amount held against the petitioner in the regular inquiry report under Section 142 of the Himachal Pradesh Panchayati Raj Act, 1994.

5. Having heard learned counsel on both sides and on considering the documents placed on record, I am of the considered view that respondent No.5-District Panchayat Officer, Una could not have ordered recovery of the amount



in question from the petitioner under office letter dated 27.02.2026 only on the basis of a show cause notice issued to him by the Deputy Commissioner, Una on 07.01.2026. Petitioner has filed his reply to the show cause notice. His reply is still under deliberations. In absence of any decision upon the show cause notice, respondent No.5 could not have taken the said show cause notice to be the final order. The impugned office letter dated 27.02.2026 is, therefore, premature at this stage.

Accordingly, this writ petition is allowed to the extent that office letter dated 27.02.2026 (Annexure P-4) issued by respondent No.5 is quashed and set aside. Respondents, however, shall be at liberty to take fresh call on the subject matter after the decision is taken by the Deputy Commissioner, Una on the show cause notice issued to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

March 24, 2026
Mukesh

Jyotsna Rewal Dua
Judge