

No. PCH-IIA-32/2023-LC-G.P. Sirmaur- 77/  
Government of Himachal Pradesh  
Department of Panchayati Raj

To

The Disrtric Panchayat Officer,  
Sirmaur, District Sirmaur-II.P.

Shimla-9,

Dated — 05-02-2024

Sub:- Regarding Financial and other powers w.r.t. Gram Panchayat Utrou.  
Sir,

Kindly refer to your office letter No. PCN-SMR-(9)1/96-6485 dated 02-12-2023 on the subject cited above. The matter was referred to Law Department to opine on the following points.

1. As to whether the remaining 3 office bearers out of 7 office bearers (4 office bearers under suspension) are competent to convene the meetings of G.P. and perform other functions of the Panchayat in the light of above provisions of the Act.
2. Whether , Section 131(6) can be made applicable during suspension.

The Law Department opined as under:-

Since, the suspension is only temporary withdrawal of duties and is not a penalty, therefore, it cannot be said or deemed to be a casual vacancy in terms of the provision of Section 131 and is out of the purview of Section 131(6) of the Act *ibid*. Moreover, the casual vacancy has to be notified by formal order under Section 131 of the Act *ibid*.

As regards to issue No.1, it is stated that as per the provision under sub-section 9(2) of Section 9, one half of the office bearer of the Gram Panchayat shall form quorum. Since some of the office bearers are under suspension, they cannot be allowed to take part in the proceedings of the Gram Panchayat. It is also pertinent to mention here that as per the third provisio to sub-section (1) of Section 8, the member of Panchayat Samiti, representing a part or whole of the Gram Sabha area shall also be a member of the concerned Gram Panchayat and shall have the right to vote. Thus, the

total number of the members in the Gram Panchayat will be four after counting the member of the Panchayat Samiti also. Moreover, the provision under Section 9(2) is clear and the quorum will be of one half of the office bearers only.

You are therefore, directed to act accordingly.

Yours faithfully



(Kewal Sharma)

Additional Director,  
Panchayati Raj Department, H.P.

No. PCH-HA(1)2/2023-SGPC-772-82 dated — 05-02-2024

Copy to :-

1. All the District Panchayat Officers in H.P. for information and necessary action.



Additional Director,  
Panchayati Raj Department, H.P.