

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 1524 of 2015

Date of Decision: 03.03.2015

Harbans Singh

.....Petitioner

Vs.

Indian Council for Child Welfare ICCW UT Chd and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ravi Kant Sharma, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 11.02.2015 (Annexure P-4), whereby an application moved by the petitioner to summon Station House Officer, was dismissed.

Learned counsel for the petitioner has submitted that the inquiry report sought to be summoned by the petitioner was very necessary to establish the fact that the petitioner was in unauthorized possession of the premises in question.

Petitioner is working as Chowkidar-cum-Mali with respondent No. 1. Petitioner has constructed *Kachha Jhuggi* from his own funds in the premises where he was posted. However, now proceedings had been initiated against the petitioner under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred as 'Act'). During the pendency of the said proceedings, petitioner moved an application for summoning of record from the office of SHO, Police Station Vigilance,

U.T., Chandigarh, Sector, 9, Chandigarh, pertaining to inquiry report submitted by them to the Secretary Home, U.T., Chandigarh, with regard to the Chowkidars of respondent No. 1, residing in the different Creches of different places in Chandigarh. Vide the impugned order, the said application was dismissed on the ground that the report of Chief Vigilance Officer for initiating vigilance inquiry was made on the basis that the occupation by the Chowkidars was illegal and the department wanted to examine as to whether departmental officials were also involved in this illegal/unauthorized occupation. Hence, the vigilance inquiry report was not material for the decision of the proceedings initiated against the petitioner under the Act. The reasons given by the Estate Officer, while dismissing the application moved by the petitioner are sound reasons.

Hence, no ground for interference is made out.

Dismissed.

(SABINA)
JUDGE

March 03, 2015
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