

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. 11856 of 2015

Date of Decision: September 11, 2015

Habib

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Ravinder Hooda, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 05.05.2015 (Annexure P/3) passed by Additional Chief Secretary to Government Haryana, Development and Panchayats Department and order dated 21.01.2015 (Annexure P/2) passed by respondent no.2 - Deputy Commissioner, Palwal.

Brief facts of the case are that the allegations against the petitioner are that auction of the shamilat land of Gram Panchayat, Rajpura, Tehsil and District Palwal, was held on 01.05.2011. The auction money was to be immediately deposited as per Rule 11(3) of the Haryana

amount was not deposited. During the audit, said amount was found to have been deposited very late. Besides this, there are allegations against the petitioner that while constructing drain from PWD Road to village Phirni, the expenditure has been shown to be Rs.2,87,050/-, in fact it was less. For the above referred allegations, charge sheet was served upon the petitioner. Thereafter, enquiry was conducted and allegations no. 5 and 6 have been found to be proved as excess amount has been charged and loss has been caused to the gram panchayat. After affording adequate opportunity of hearing and following the principles of natural justice, the Deputy Commissioner has passed order dated 21.01.2015 (Annexure P/2) under Section 177(2) of the Haryana Panchayati Raj Act, 1994. Against that, appeal was preferred before the Additional Chief Secretary, wherein the petitioner remained unsuccessful. Hence, this writ petition.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently contended that there is no loss to the panchayat. The petitioner has paid the interest over the amount for the delayed payment.

Admittedly, allegations no. 5 and 6 which are financial in nature stand proved. It is also admitted that the amount was not deposited immediately after the auction, but it was deposited after one month.

of drain along side village Phirni, but more amount was shown as expenses.

The petitioner was associated in the enquiry and opportunity for defending the allegations in the charge sheet was afforded to him. Petitioner has failed to show any illegality or perversity in the impugned orders. The impugned orders have been passed following the principles of natural justice.

Dismissed in limine.

September 11, 2015
vkd

[Paramjeet Singh]
Judge