

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 17784 of 2013 (O&M)

Date of decision: 30.03.2015

Jaipal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Y.P. Malik, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. M.S. Tewatia, Advocate for respondent No.5.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of inquiry report dated 06.05.2013 (Annexure P-10) conducted by respondent No.4 being unfair, biased and against the record and further directions to the respondent No.1 to conduct an independent inquiry into the complaint made by the petitioner.

In pursuance of the complaint filed by the petitioner, an inquiry was ordered to be conducted Deputy Commissioner,

Faridabad and respondent No.4 submitted his inquiry report considering all the points raised by the petitioner, vide detailed inquiry report (Annexure P-10).

The learned counsel for the petitioner states that the inquiry (Annexure P-10) conducted by respondent No.4 is against the record. It is further asserted that the alleged labourer, Banti son of Surender was minor, whereas, the Inquiry Officer has assessed his age from his appearance which has no basis and cannot be accepted. He further refers to Annexure P-7/A and states that the work was allotted beyond the stipulated period of 100 days which resulted in impoverished of the work to other families.

On the other hand, the learned counsel for respondent No.5 states that the labourer Banti is major and has been maintaining a separate household. As the other labourers did not come forward to accept the offer made by the petitioner, the work given to them was extended.

Heard.

There is no allegation that the respondent in any manner misappropriated or embezzled the amount. There is no positive evidence of age of the said Banti being minor or that respondent No.5 exercise his discretion to take away the benefit of eligible families in order to benefit particular family as reflected in Annexure P-7/A. The complaint appears to be ill-conceived and is not based on

any documentary proof of any irregularity against respondent No.5.

Keeping in view the fact that the inquiry report deals with all aspect of the matter, therefore, the prayer of the petitioner to the extent that the matter be got further examined by inquiry officer is not tenable. Accordingly, the present petition being without any merit is hereby dismissed as such.

30.03.2015

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(JITENDRA CHAUHAN)
JUDGE