

CWP No. 21896 of 2012

Date of decision: 17.08.2015

Court on its own motion

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Yatinder Sharma, Addl.AG,Punjab.Mr. B.S.Sidhu, Advocate
for respondent Nos. 3 and 4.Mr. Divya Sharma, Amicus Curiae
for the complainant.**Rakesh Kumar Jain, J.(Oral)**

This petition was entertained by this Court on its own motion against the then Sarpanch Bimla Devi. As per the status report filed by way of an affidavit of the Director, Rural Development and Panchayats, Punjab dated 08.04.2015, in compliance of the order dated 6.10.2014 passed by this Court in the present case, the inquiry was conducted against Bimla Devi (the then Sarpanch) in the complaint and it has been found that the outstanding amount towards the said Bimla Devi (the then Sarpanch) was ₹1,21,739/- i.e. inclusive of ₹83,977/- of grants and ₹14,275/- of Panchayat. The said Sarpanch alleged to have deposited the aforesaid amount on 1.04.2015 which was otherwise, due in the year 2011.

Counsel for the petitioner has submitted that the said amount has been definitely used by the said Sarpanch for her own benefit.

Therefore, she is liable to pay simple interest to be decided by this Court. It is also submitted that had these proceedings be not carried out suo moto

by this Court, the aforesaid facts would have surfaced, therefore, respondent Sarpanch should also be saddled with exemplary costs.

Counsel for the respondent Sarpanch has submitted that the aforesaid amount has already been deposited. Therefore, she has now been absolved and is not liable to pay any interest.

After hearing learned counsel for the parties and perusing the available record, am of the considered opinion that had this petition been not entertained suo moto and the lengthy proceedings been not carried out including the inquiry which has been carried out by the Director, Rural Development and Panchayats, Punjab, it would have remained a secret that the said Sarpanch was guilty of embezzling the amount of Gram Panchayat to the extent of ₹1,21,739/- i.e. inclusive of ₹83,977/- of grants and ₹14,275/- of Panchayat. I thus, while disposing of this petition, direct the said Sarpanch to pay simple interest @9% from the date it became due i.e. 01.01.2012 till it is paid on 01.04.2015 along with the costs of ₹30,000/- which shall be deposited by Bimla Devi(the then Sarpanch) in the account of Gram Panchayat of village Ruherian Wali, Tehsil Abohar, District Fazilka.

17th August, 2015
Shivani Kaushik

[RAKESH KUMAR JAIN]
JUDGE