

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No.18475 of 2014
Decided on 27.11.2015**

Dhanpati

--Petitioner

Vs.

State of Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr Sumit Sangwan, Advocate, for the petitioner

Mr.P.P.Chahar, DAG, Haryana

Mr. R.K.Mathur, Advocate, for respondent No.4.

Rakesh Kumar Jain,J: (Oral)

The petitioner has challenged the order dated 01.01.2014, passed by Lok Pal, MANREGA, Bhiwani. There were four allegations against the petitioner, out of which two allegations survived, pertaining to engagement of Satish Kumar son of Ram Kumar of village Siwana for the work done under MANREGA of village Alakhpura from 01.01.2011 to 15.01.2011 for putting sand from Gau Ghat passage and with retaining wall for which a sum of ₹2171/- was deposited @ ₹167/- per day of 13 days of work in his account No.8050 in Haryana Gramin Bank, Bawanikheri. The allegation of the complainant was that the said person Satish Kumar had

also worked elsewhere during this period.

Other allegation is in regard to Vimla wife of Ram Kumar, who had been working as part time “Kahar” in Govt. Primary School, Alakhpura, was also paid ₹2171/- from 01.01.2011 to 15.1.2011 and deposited in her Bank Account No. 7946 in Haryana Gramin Bank, Bawanikheri. The allegation is that she had also worked some where else during this period and therefore, an amount of ₹4342/- was alleged to have been embezzled by the present petitioner who was Sarpanch of Gram Panchayat, Alakhpura. The allegation is alleged to have been proved and an order has been passed by Lok Pal for recovery of ₹4342/- from the petitioner along-with interest from 22.3.2011 and disciplinary action has also been recommended.

Learned counsel for the petitioner has submitted that insofar as the recovery of ₹4342/- along-with interest is concerned, it will be deposited by the petitioner if some time is given by the Court but the order recommending the disciplinary may be set aside which has given a handle to the complainant to file a criminal case against her.

On the other hand, learned counsel for the respondents has argued that there is no error in the order of the Lok Pal, MANREGA because it was the duty of the petitioner to ensure the work having been done by Satish Kumar son of Ram Kumar and Vimla wife of Ram Kumar as the amount of ₹167/- is paid for the full day whereas both of them have worked part time.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, I am of the considered opinion that so far as the allegations against the petitioners are concerned,

the petitioner has not embezzled the amount because the amount of ₹2171/- was deposited directly in the accounts of both Satish Kumar son of Ram Kumar and Vimla wife of Ram Kumar.

However, learned counsel for the petitioner has submitted that the petitioner is ready to deposit the amount along-with interest within the time prescribed by the Court.

In view of the facts and circumstances of the case, it would be just and expedient if the order passed by the Lok Pal, MANREGA is modified to dispense with the recommendation made by him for taking disciplinary action against the petitioner but for the recovery of the amount deposited in the accounts of both Satish Kumar and Vimla wife of Ram Kumar along-with interest.

Accordingly, this writ petition is allowed only to the extent that no disciplinary action shall be taken against the petitioner in case she deposits the amount of ₹4342/- with the concerned authority along-with interest calculated from 21.3.2007 @ simple interest 9% per annum. Needful shall be done within one month from the date of passing of this order.

27.11.2015
rr

(Rakesh Kumar Jain)
Judge