

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

CWP No.22598 of 2015

Date of Decision :20.10.2015

Pritam Lal

....Petitioner

Versus

The State of Haryana and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: Mr. I.D.Singla, Advocate
for the petitioner.

.....

MAHESH GROVER.J.

This is a petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari quashing the chargesheet dated 19.3.2015 and action of appointment of the Enquiry Officer vide Annexure P-5.

The petitioner, who was working as Assistant District Attorney at the relevant time i.e. 1999 to 2003 gave a legal opinion on the basis of which compensation on account of acquisition of land was given to certain persons. This amount of compensation was deposited in the account of the claimants and six self signed cheques out of which 5 of Rs.one lac each and one for an amount of Rs.75,000/- were got encashed by the petitioner and his accomplices on 24.1.2000 and 27.1.2000. Out of a total

amount of Rs.5,75,000/- an amount of Rs.3,00,000/- was paid to the Land Acquisition Officer Shri Manjit Mann and an amount of Rs.1,75,000/- to the petitioner.

It may be noticed that the land which was acquired by the State was recorded in the revenue records as the one belonging to the Municipal Corporation, Faridabad (successor of Faridabad Complex Administration who owned the land at the time of acquisition). The claimants were the legal heirs of one Hari Singh who was the lessee on the land but expired before the compensation could be claimed. Prior to that, one Inder Singh, ADA gave opinion on 24.11.1999 stating that notice was required to be given to the Commissioner, Municipal Corporation, Faridabad before any action could be taken for the release of compensation. Barely two months thereafter the petitioner gave a direct opinion that out of the total compensation the lessees are entitled for 75 per cent of the same and the remaining 25 per cent may be given to the Municipal Corporation, Faridabad. It is on the basis of this opinion that the matter was processed and compensation released, out of which the petitioner received an undue favour by getting an amount of Rs.1,75,000/- as per the allegations in the chargesheet. The transaction is by cheque and therefore prima facie this court at this stage of the proceedings would not like to opine lest it prejudices the case of the petitioner.

But suffice it to say sufficient doubt has been expressed in the chargesheet to conduct appropriate inquiry. There is no reason why this court should infer that the chargesheet and the inquiry are liable to be quashed simply because according to the petitioner it has been issued belatedly particularly when the charges are serious reflecting on the integrity of the employees involved.

The issue of chargesheet at this belated stage could also be a matter to be looked into for which the respondents may take appropriate steps so as to ensure accountability in this regard as well and the officer responsible for suppressing the file and delaying the process by issuance of chargesheet should also be proceeded with by the department.

With the aforesaid observations, the writ petition stands disposed of.

20.10.2015
dss

(MAHESH GROVER)
JUDGE