

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CM Nos.5740 & 5743 of 2015 in/and
CWP No. 4214 of 2013 (O&M)
Date of Decision: September 29, 2015

Nemi Chand

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. A.K.Yadav, Advocate
for the petitioner.

Mr.Sushil Gautam, DAG, Haryana.

Rajan Gupta, J (Oral)

CM No.5740 of 2015

This is an application for restoration of writ petition, which
was dismissed for non-prosecution on 18.12.2014.

For the reasons stated in the application, same is allowed.
Writ petition is restored to its original number and position.

CWP No. 4214 of 2013

With the consent of the parties, main case has been taken up
for hearing today. Counsel for the petitioner submits that petitioner was
not responsible in any manner for causing loss to the Gram Panchayat.
The impugned order is unsustainable.

Prayer has been opposed by learned State counsel.

It appears that amount of Rs.4,95,000/- was released by
Government of Haryana for construction of streets of Gram Panchayat,

Dhani Thetharbad under “Sarkar Apke Dwar” scheme in April, 2004. The work was to be executed by Village Development Committee. Complaint was filed against the Sarpanch to the effect that sub standard bricks have been used for construction of streets and enquiry ensued. It was found that loss to the tune of Rs. 73,974/- had been caused to the Gram Panchayat for purchase of sub standard bricks. Matter ultimately came up for consideration before Principal Secretary, Government of Haryana. Plea of the petitioner, that he was not responsible for causing loss to the Gram Panchayat, was rejected by Principal Secretary. Operative part of the order reads as under:-

“I have heard the learned counsel at length and gone through the record available on file. It has not been disputed either by Shri Rattan Singh or by Shri Nemi Chand that 20% of bricks of second quality were used, whereas the payment was made for the first quality bricks. The payment has been made by passing a resolution by the Village Development Committee and the work was executed under their supervision. All the members of the Village Development Committee were well aware of the fact that second class bricks were being used. Therefore, they can not escape responsibility by simply depositing the difference of rates between the grade-1 and grade-2 bricks. In fact the release of payment for poor quality bricks deliberately at higher rates is a fraud on the Gram Panchayat. Hence, I am also of the view that the total amount paid for the second class bricks is recoverable from the then Sarpanch and the Members of the Gram Panchayat who functioned as Chairman and Members of the Village Development Committee in equal

proportion. Sh.Rattan Singh could not produce any receipt of Rs.10741/- alleged to have been paid to the newly elected Sarpanch Sh.Arjun Singh. Therefore, the said amount of Rs.10741/- is also recoverable from Shri Rattan Singh. As there is no merit in the revision petitions both are dismissed.”

I find no infirmity with the order passed by Principal Secretary, Government of Haryana. He has already directed that loss to the Village Development Committee would be borne by all members in equal share.

Under the circumstances, there is no merit in this petition. Same is hereby dismissed.

CM-5743 of 2015

Since the main petition has been dismissed, no order is required to be passed on the application for condonation of delay.

(Rajan Gupta)
Judge

September 29, 2015
BB