

CWP No.8037-2014

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

CWP No.8037-2014

Date of Decision: 02.11.2015

Gurdev Singh

... Petitioner(s)

Versus

Deputy Commissioner, Sirsa, Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Rajeev Godara, Advocate,
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Mr. Satbir Gill, Advocate,
for respondent No.4.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 22.11.2013 (Annexure P-3) passed by respondent No.1-Deputy Commissioner, Sirsa on the ground that the same has been passed without considering report dated 04.10.2012 (Annexure P-2), submitted by Sub Divisional Officer (Civil), Ellenabad, District Sirsa and only report submitted by Block Development and Panchayat Officer has been taken into consideration.

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I have heard learned counsel for the parties and perused the record.

It is the case of the petitioner that he submitted a complaint with the authorities against some persons including Sarpanch-respondent No.4 to the effect that crores of rupees released under the Mahatma Gandhi National Rural Employment Guarantee Act (for short, 'MGNREGA') have been siphoned off and misused by forging documents and tampering with the record and the persons who were beneficiaries, have not been given the benefits. In pursuance of that complaint, inquiry was conducted by respondent No.3-Block Development and Panchayat Officer and respondent No.2-Sub Divisional Officer (C), Ellenabad. Respondent No.2 submitted report (Annexure P-2). Perusal of impugned order dated 22.11.2013 (Annexure P-3) reveals that the same has been passed only on the basis of the report submitted by respondent No.3-Block Development and Panchayat Officer and the report (Annexure P-2) submitted by respondent No.2-Sub Divisional Officer (C), Ellenabad has not been taken into consideration. In his report, respondent No.2 has specifically mentioned the involvement of BDPO in the alleged fraud. The report of respondent No.3 cannot be solely relied upon as respondent No.2 in his report (Annexure P-2) has given finding with regard to the alleged involvement of respondent No.3-Block Development and Panchayat Officer also.

In view of above, the instant petition is allowed and the

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impugned order dated 22.11.2013 (Annexure P-3) is set aside. The matter is remanded to respondent No.1-Deputy Commissioner, Sirsa with a direction to pass a fresh speaking order making a reference to the report submitted by respondent No.2 (Annexure P-2). Needful shall be done, preferably within a period of three months, from the date of receipt of certified copy of this order and opportunity of hearing shall be provided to all the concerned before passing the order afresh by respondent No.1.

02.11.2015
parveen kumar

(Paramjeet Singh)
Judge