

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-35802 of 2015

Date of Decision: July 14, 2016

Ashok Grewal

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.S.K. Chauhan, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G., Haryana.

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M.M.S. BEDI, J. (ORAL)

The petitioner has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. seeking a direction to respondents No.1 to 4 i.e. the authorities of the Vigilance Bureau, Haryana, to take appropriate action in accordance with law against respondents No.5 to 10 on the complaint annexure P-3 submitted by the petitioner who claims that the above said respondents being public servants have caused loss to the State exchequer by improprieties in the tender proceedings.

A perusal of annexure P-10, a letter written by Engineer-in-Chief, Haryana, Public Health Engineering Department, Panchkula to Principal Secretary of the Government, Public Health Engineering Department, Chandigarh dated May 13, 2015 indicates that the complaint of the petitioner has been dealt with and an intimation has been given to the Principal Secretary that 12 officers named in the complaint have retired as such no action should be taken and that proceedings under Rule 8 of the Haryana Civil Services (Punishment and Appeal) Rules have been initiated against 33 officers, whereas 20 officers have been warned to be careful in future.

The petitioner is not satisfied with the said action and claims that more stringent action should be taken on the basis of his complaint annexure P-3.

I have heard learned counsel for the petitioner and appreciated his grievance. The petitioner appears to be a Contractor not satisfied with the functioning of the public authorities. The inherent powers under Section 482 Cr.P.C. can be exercised which are necessary to give effect to any order under the Criminal Procedure Code or to prevent the abuse of process of any Court or otherwise to secure the ends of justice. The petitioner in case seeks to enforce any civil rights against the Government authorities he has got separate remedies available to him under the procedure prescribed under civil law. In case he has got any cause of action to launch criminal prosecution, the various remedies are available to him. The order annexure

P-10 appears to be an administrative communication reflecting the administrative action taken at departmental level after considering the complaint of the petitioner. The prayer made by the petitioner does not fall within the ambit of the scope of inherent jurisdiction of this Court under Section 482 Cr.P.C. It appears to be debatable if this petition could be treated as a Public Interest Litigation under Section 482 Cr.P.C.

Dismissed relegating the petitioner to avail any other appropriate remedy available to enforce any legal right vesting in him.

July 14, 2016
sanjay

(M.M.S.BEDI)
JUDGE