

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

CWP No. 21456 of 2016 (O&M)

Date of decision: 20.10.2016.

Harjinder Singh

....Petitioner.

Versus

Director, Central Bureau of Investigation and others Respondents.

**CORAM:- HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Nakul Sharma, Advocate, for the petitioner.

Mr. P.P.S. Thethi, Additional Advocate General, Punjab.

S.S. SARON, J.

The petition has been filed under Articles 226/227 of the Constitution of India for issuing a writ in the nature of mandamus directing the respondents to hand over the investigation/enquiry of the matter of embezzlement of government funds for construction of the District Administrative Complex at Ferozepur to the Central Bureau of Investigation.

It is alleged that the officials of PWD Department in connivance with private contractors used low quality material in the construction of the office buildings of the Deputy Commissioner/Senior Superintendent of Police i.e. the Administrative Complex building at Ferozepur. The official respondents, it is alleged, had been helping in the enquiry; therefore, a proper enquiry in a transparent manner was not being conducted. A further direction is sought for conducting the enquiry in a time bound manner as the Chief Engineer, Chief Vigilance Officer-cum-Quality Controller, Punjab, Punjab

Works Department (Building and Roads) Branch, Chandigarh issued letter to the petitioner on 07.07.2014 for submitting an affidavit, which was submitted on 28.07.2014 but till date there had been no outcome of the said enquiry, with the sole motive to get respondents No. 5 to 12 declared innocent.

On the last date of hearing, it was noticed and recorded in the order dated 17.10.2016 that Chief Engineer (North-1), Punjab PWD (B&R) Branch, Patiala conducted an enquiry on 16.07.2013 (Annexure P7). In the said enquiry, it was observed (at page 51-A) that Harjinder Singh complainant i.e. the petitioner was requested to participate in the enquiry to prove the allegations made in the complaint, but in spite of repeated requests/reminders, he showed his unwillingness to participate in the enquiry proceedings. Despite that, it was stated by the petitioner in para 8 of the petition that an *ex parte* enquiry had been conducted. The petitioner, however, did not specifically deny the averments made in the enquiry report that he was repeatedly asked to participate in the enquiry to prove the allegations.

The petitioner is present in person. Learned counsel appearing for the petitioner on his instructions, submits that though the petitioner was called in the enquiry but due to his other pre-occupation, he could not participate. He submits that he may be allowed to withdraw this petition.

The present writ petition is, accordingly, dismissed as withdrawn.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

October 20, 2016.

rts

Note:-

Whether speaking/reasoned:	Yes
Whether reportable:	No