

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

LPA No.1861 of 2016 (O&M)

Date of Decision : 12.12.2016

Krishan Kumar

....Appellant

Versus

State of Haryana and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DARSHAN SINGH**

Present: Mr. Narender Pal Bhardwaj, Advocate
for the appellant.

MAHESH GROVER, J.

CM No.3849-LPA of 2016

After hearing the learned counsel for the appellant,
marginal delay of 9 days in filing the appeal is condoned.

CM No.3850-LPA of 2016

Allowed as prayed for.

LPA No.1861 of 2016

This appeal is directed against the judgment of the learned
Single Judge dated 28.07.2016.

The appellant, who was the writ petitioner before the writ
court, had raised issues of several irregularities committed by the
Sarpanch in executing development activities of the village. After
several rounds of representations and complaints the appellant raised
the issue before the Lokayukt, Haryana, who answered the same by
rejecting the complaints with a reference to two inquiry reports, one
of the BDPO and the other by the SDO. Those reasons have been

extracted verbatim in judgment of the learned Single Judge to form the basis of negation of the writ petition and the claim set out therein.

Learned counsel for the appellant refers to Section 12(3) of the Haryana Lokayukt Act, 2002 which are extracted herebelow to contend that there was procedural deviation and thus the entire procedure and the resultant conclusion would stand vitiated:-

“Every Inquiry under the Act shall, unless the Lokayukt for reasons to be recorded in writing determines otherwise, be conducted in camera.”

To a pointed question as to whether he had raised this objection, learned counsel for the appellant was able to show that this formed one of the objections before the Lokayukt but he was unable to answer the prejudice resulting from violation of such a procedure. Besides, at no point of time the appellant ever raised this issue to challenge the process adopted by the Lokayukt when the process was on which would be detrimental to his cause, particularly when he was associated with the proceedings. It was open to him to challenge the process before the appropriate forum and seek intervention as also enforcement of the afore-extracted provisions but having waived of his right and submitted to the procedure adopted by the Lokayukt which was the public inquiry wherein all the persons including the appellant were actively associated resulting in two inquiry reports, we are of the opinion that the appellant's plea that the entire conclusion would stand vitiated has to be rejected. Rather, complaints of this

kind having been given a public hearing would have afforded more transparency. The only prejudice which the learned counsel for the appellant could have shown us, was the witnesses, if any, suffered from some fear or apprehension during their deposition. We find no such material on record.

Having got the matter inquired from two different resources with technical evaluation of the works executed by the Gram Panchayat, we would be extremely hesitant to interfere being acutely conscious of the fact that the appellant would continue to persist till the time he gets a report favourable to him as two reports have failed to satisfy him.

We do not find any reason to interfere with the findings of the learned Single Judge but in case the appellant has sufficient material to establish his cause, he would be at liberty to approach other law enforcing authorities enabled to investigate such matters, in which eventuality these reports would not form sole basis of conclusion, if otherwise supported by other independent material to substantiate the allegations of the appellant.

Appeal stands disposed of.

(MAHESH GROVER)
JUDGE

12.12.2016
dss

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No