

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4046 of 2017 (O&M)

Date of Decision: 08.02.2017

Dharam Pal

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Saini, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Instant petition has been filed under Section 482 Cr.P.C for directing the official respondents i.e. police authorities as also senior officials of Haryana Roadways Department to initiate action against respondent no.5, who is stated to be serving as a Store Keeper, Haryana Roadways, Ambala on the allegations that he has committed serious offence of pilferage of Govt. property, stealing, misappropriation on the basis of preparing fake records etc. and thereby causing a huge loss to the State exchequer.

Counsel would submit that a representation dated 23.2.2015 (Annexure P-1) had been filed by the petitioner and addressed to the Financial Commissioner-cum-Principal Secretary, Ministry of Transport, Govt. of Haryana as also to the Home Ministry, State of Haryana but till date no action has been taken on such representation.

During the course of hearing today the representation at Annexure P-1 has been perused.

In the representation the petitioner is alleging that respondent no.5 inspite of not having the requisite qualifications was appointed on the

post of Store Man. No details in regard thereto have been furnished. In any case it would not be the scope of a petition preferred under Section 482 Cr.P.C to go into the validity of an order appointing the private respondent on a particular post under the Haryana Roadways Department.

In the representation itself, it has been averred that on the accusations of stealing Govt. stores and preparing fake record, respondent was charge sheeted on 2.6.2003 and even F.I.R No.267/2004 had been registered on 26.7.2006 at Police Station, Thanesar. Counsel concedes that respondent no.5 had been exonerated in such inquiry and even a cancellation report has been filed in relation to the afore-mentioned FIR.

Still further, in the representation, it is sought to be contended that respondent no.5 having virtually admitted his guilt had even resigned from govt. service in the year 2004 and inspite of the same having been accepted by the competent authority, he is still continuing in govt. service. There is no document/material to substantiate such assertion.

The contentions and averments made in the representation (Annexure P-1) and on the strength of which directions are sought from this Court in the instant petition, are completely reckless, irresponsible and are not supported by any authentic material.

Counsel has also conceded during the course of arguments that the petitioner himself was an employee of the Haryana Roadways Department and had been imposed the major penalty of termination from service.

The present petition would be construed by this Court as having been filed with an ill intent and to settle a personal grudge that the petitioner may have against respondent no.5.

No interference in the matter is called for.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No