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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40548-2017

Date of decision : 30.10.2017

Diwan Chand

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jatinder Pal Singh Smagh, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court for directing respondent Nos.2 & 5 to take action against respondent No.6 to 11 as per law on the basis of the enquiry marked to and conducted by respondent No.5 regarding embezzlement and misappropriation of panchayat funds and irregularities in panchayat funds (Annexure P-3).

Learned counsel for the petitioner submitted that in view of the enquiry conducted by respondent No.5, the private respondent Nos.6 to 11, who had been Sarpanch and Members of the Panchayat, have indulged into misappropriation of the panchayat funds. Their tenure as Sarpanch/Members was from 2008 to 2013 and therefore, despite the fact that respondent No.5 had found that there is a misappropriation of the funds, no action has been taken so far.

Concededly, the private respondent(s) remained Sarpanch/Members of the Panchayat for the period from 2008 to 2013 and

the complaint was made in October 2016. There is a provisions of sub-Section 4 of Section 216 of the Punjab Panchayati Raj Act, 1994, which provides that proceedings for recovery after expiry of four years from the date of occurrence can not be initiated against the Sarpanch/Members, much less, two years from the date he ceased to hold the office.

Learned counsel for the petitioner seeks liberty of this Court for withdrawal of the present petition.

Ordered accordingly.

30.10.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**