

223

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

CWP-13786-2015

Date of decision : 09.02.2017

Harnaryan

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.S. Virk, Advocate
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

Mr. Shub Karman, Advocate for
Mr. Manoj Kaushik, Advocate
for respondent No.6.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned order dated 18.06.2015 (Annexure P-6) on the basis of the inquiry report dated 24.10.2013 (Annexure P-3), whereby the Deputy Commissioner, Faridabad had arrived at a conclusion that as per the report of the District Welfare Officer, Faridabad, Shri Satveer son of Shri Baljit Singh and Smt. Indera Wati wife of Baljit Singh were guilty of getting prepared the BPL Ration Cards by giving the wrong facts and received the benefits of the grants from the Government under certain scheme, much less, the petitioner, namely, Harnaryan, Ex-Sarpanch of the Gram Panchayat, for wrongly verifying the aforementioned grants.

Mr. A.S. Virk, learned counsel appearing on behalf of the

petitioner submits that in the aforementioned inquiry report, the petitioner was never associated in preparation of the list and therefore, the question of wrong verification did not arise. He has drawn the attention of this Court to the order dated 14.07.2015, whereby the learned counsel for the State was directed to obtain the necessary instructions and make a statement in this regard.

In paragraph 11 of status report dated 31.07.2015 filed by way of an affidavit of Sub-Divisional Magistrate, Faridabad, the following averments have been made:-

“11. That the petitioner was not associated during survey for identification of BPL beneficiaries conducted in the year 2007. Further on the date of disbursement of social scheme Indra Gandhi Priyadarshani Shagun Yojan payment of ₹ 62,000/- were paid on 07.06.2010 and payment of ₹ 20,000/- + ₹ 15,000/- = ₹ 35,000/- were paid under the Indra Awas Yojna on 07.01.2009 and 29.01.2009. Shri Satbir son of Baljit was holding the BPL Card during the disbursement of payment under the above mentioned schemes in the year 2009 and 2010.”

In view of the aforementioned facts, it is seen that the petitioner during the survey for identification of the BPL beneficiaries conducted in the year 2007 was not associated in preparation of the list, thus, the report of the Deputy Commissioner is totally off the record, in essence, the genesis was totally misplaced, therefore, the consequential effect of the inquiry i.e. Initiation of the FIR etc., is without jurisdiction.

The factum of the affidavit is not disputed by Mr. Rajbir Singh, AAG, Haryana.

Keeping in view the aforementioned fact that the petitioner has

not been found to have been associated in preparing the list during the survey for identification of the BPL beneficiaries conducted in the year 2007, the impugned order dated 18.06.2015 (Annexure P-6) viz-a-viz the petitioner is not sustainable and the same is hereby set aside, much less, all the consequential proceedings

With the aforesaid observations, the present writ petition stands allowed.

09.02.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No