

Date of Decision : 01.02.2017

.....Petitioners

....Respondents

CWP-3072-2014

.....Petitioner

....Respondents

CWP-327-2014

.....Petitioners

....Respondents

Present: Mr. Jitender Dhanda, Advocate
for the petitioners (CWP-27541-2013 & CWP-327-2014).

Mr. Ashok Sharma Nabhewala, Advocate
for the petitioner. (CWP-3072-2014).

Mr. Anil Kumar Yadav, Addl.A.G., Haryana.

Mr. Arvind Seth, Advocate
for respondent No. 2.

M.M.S. BEDI, JUDGE (ORAL)

This order will dispose of three civil writ petitions, one filed by Mukh Ram and others (CWP-27541-2013); one by S. C. Malik

(CWP-3072-2014) and the third one by Krishan Kumar Verma and another (CWP-327-2014) for quashing of report dated 27.08.2013 passed by the Lokayukta Haryana in complaint No. 415 of 2011 made by Dr. V.K. Sangvan.

The main grievance of the petitioners is that despite a favourable report by HAFED, a contrary recommendation has been given by the Lokayukta Haryana in the exercise of powers under Haryana Lokayukta Act, 2002. The petitioners claim that the observations made by the Lokayukta Haryana regarding the culpability of the petitioners are beyond its jurisdiction of being authority to investigate a complaint and recommending action.

After hearing learned counsel for the petitioners and counsel for the respondents, I am of the considered opinion that the report of the Lokayukta Haryana is in the nature of a recommendation for initiation of an inquiry/proceedings. Any observation made in the recommendations and suggestions to the competent authority is not a final verdict. Even otherwise, the High Court, in the exercise of writ jurisdiction, cannot act as an Appellate Authority over the observations or the recommendations of the Lokayukta, unless and until, there is an apparent error of jurisdiction or usurping of statutory jurisdiction. This Court is of the opinion that the petitioners would be entitled to rely upon the favourable factors, observed in their favour, by the Haryana State Cooperative Supply and Marketing Federation Limited and seek exoneration. It is observed that observation on merits, will be

considered to be only recommendations and will not be binding on the competent authority, taking into consideration the matter against the petitioners.

With the above clarifications, this petition can be disposed of as the rights of the petitioners in the further action on the basis of any adverse observations, stand safeguarded.

The petition is disposed of with the above observations as premature without prejudice to the legal rights of the petitioners.

Learned counsel for the petitioners has submitted that on account of the matter having been lingering on for the last so many years, it would be expedient, in the interest of justice, in case, a direction is issued to the competent authorities to consider the case *qua* the petitioners within a fixed time frame. It is directed that the proceedings against the petitioners would be finalised, within a period of one year.

All the pleas taken up in this petition will be available to the petitioners to be raised before the competent authority, in accordance with law.

(M.M.S. BEDI)
JUDGE

01.02.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No