

CWP-2100-2017 (O&M)

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

108

**CWP-2100-2017 (O&M).
Decided on: February 6, 2017.**

Shiv Kumar

.. Petitioner(s)

VERSUS

State of Haryana etc.

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.J.S.Hooda, Advocate,
for the petitioner.**

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

The petitioner without explaining his locus standi or the mode in which he is aggrieved by the alleged wrongs of respondent no.3 has filed the present writ petition under Articles 226 and 227 of the Constitution of India, seeking a direction to the respondent authorities to take legal action against respondent no.3 for committing wrong and getting wrongful gains. The complaint of the petitioner is addressed to the Director, Elementary Education, Haryana, Panchkula, complaining that respondent no.3 got retired in March 2015, but he fraudulently obtained the salary till October 2016 without there being any extension in the service. He has also allegedly obtained certain other benefits.

I have considered the contention of the learned counsel

CWP-2100-2017 (O&M)

for the petitioner.

The petition deserves to be dismissed on the following grounds: -

- (i) Respondent no.3 being no more a public servant, the Director, Elementary Education, Haryana Panchkula, will have no authority to take disciplinary action against respondent no.3;
- (ii) No complaint of fraud having been addressed to any person authorised under Section 154 Cr.P.C, it will not be permissible to issue any direction; and
- (iii) The nature of allegations levelled in the petition against respondent no.3 involve certain questions of facts which may be disputed, the adjudication of which will not be possible for this Court exercising writ jurisdiction.

In view of said circumstances, this petition is dismissed without prejudice to the petitioner for enforcement of his legal rights, if any.

(M.M.S. BEDI)
JUDGE

February 6, 2017.

rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No