

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19141 of 2014

Date of Decision: 22.10.2018

Sarla Beej Bhandaar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikram Singh, Advocate, for the petitioner.

Mr.Gaurav Jindal, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking the direction to the respondents to release the payment of the work done by the petitioner with respect to the supplying of bio-organic manure under the watershed scheme in the year 2008.

A perusal of the reply dated 13.01.2014 shows that fertilizer was not delivered and distributed in the presence of ADO. Further, bills were submitted in the office of ADC-cum-CEO, DRDA, Rewari but the payment of the said bills could not be made because before supplying the organic manure their action plan was not sanctioned as per rules by the ADC-cum-CEO, DRDA, Rewari. As their plan was not approved by the competent authority, therefore the petitioner is not entitled for any relief.

As per reply filed by the respondents No.1 to 5, it has been submitted that four projects of Hariyali were sanctioned by the Ministry of Rural Development, Govt. Of India since the year 2003-04 onwards for water conservation, conserving and developing natural resources i.e. land, water, vegetative cover especially plantations and same were being implemented by the office of Addl. Deputy Commissioner-cum-Chief Executive Officer, District Rural Development Agency, Rewari. The work of these projects was to be executed through Assistant Soil Conservation Officer-cum-Project Implementing Agency, Rewari. ASCO-cum-PIA, Rewari, has to further

constitute the Watershed Committees as per guidelines issued by the Government of India (Annexure R-1). As per guidelines (Annexure R-1), any type of work could be executed only if it is included in the Annual Action Plan or in case of change of work if the resolution has been passed by the concerned Gram Sabha as to this effect and then the same is required to be forwarded to ADC-cum-CEO, DRDA Rewari.

In the present case, no proper procedure was followed and any resolution was never put up before respondent No.4 and nothing was sanctioned by the respondent No.4. and Municipal Committee, Dharuhera came into existence in the year 2007 and as per Notification dated 20.07.2007 (Annexure R-2) and before this date no resolution could have been passed by the Gram Sabha. In para-3 of the reply, it has been rightly observed that no tender was issued by the then ADC-cum-CEO, DRDA and it is wrong that Watershed Committees invited sealed quotations. Moreover, the Committees are also not competent to invite and received the quotation and do not possess the technical expertise to decide about the quality of organic manure, no proper procedure was followed and violation of financial rules has been done therefore, petitioner is not entitled for any payment.

So in view of the above, the orders dated 13.01.2014 (Annexure P-3) does not reflect any material irregularity or perversity which warrant interference. Hence the present writ petition stands dismissed.

(RITU BAHRI)
JUDGE

22.10.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No