

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

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CWP-8371-2017

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Date of Decision: 01.05.2018

MOHD. SABIR

...Petitioner(s).

Versus

STATE OF HARYANA AND ORS.

...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. J.S. Bhatti, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Ghulam Nabi Malik, Advocate
for respondents No.3 and 4 .

Mr. Arvinder Singh, Advocate
for respondent No.5.

Mr. Johnny, Advocate for
Mr. Sukhdeep Singh Sandhu, Advocate
for respondent No.6.

AJAY KUMAR MITTAL, J.

The prayer made in this writ petition under Article 226/227 of the Constitution of India, is for the issuance of a writ in the nature of mandamus directing the respondents to complete the enquiry against respondent No.5 which is pending since long, without any appropriate action taken against him as on date. A further prayer for issuance of writ in the nature of prohibition restraining the respondents to not to allow respondent No.5 to act as Estate Officer of the Haryana Waqf Board in any manner has also been made.

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2. As per averments in the petition the petitioner belongs to Muslim community and is taking keen interest in the welfare of the community. The objectives of the Haryana Waqf Board have also been set out.

3. Learned counsel for the petitioner has contended that respondent No.5 had misappropriated the money of the Waqf Board while he was its employee and a suitable action including a direction for CBI enquiry, is required to be taken against him.

4. Learned counsel for the respondents has urged that the petition would not be maintainable under the Maintainability of Public Interest Litigation Rules, 2010 as it has been filed by the petitioner out of the personal vendetta.

5. Heard.

6. A perusal of the reply filed on behalf of respondents No.3 and 4, reveals that the petitioner was an employee of the erstwhile Punjab Waqf Board and was posted as Estate Officer, Khanna. A complaint had been filed against him by one Krishan Dayal, a lessee of the Board alleging therein that he had paid ₹16,000/- to the petitioner as lease amount but the petitioner had not issued any receipt. Pursuant to the complaint, departmental proceedings were initiated against the petitioner and during enquiry, it was found that he had embezzled the amount. He was dismissed from service of the Board by the order dated 16.10.1995, which was challenged by him by filing CWP No.16246

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of 1995 which was allowed on 08.04.2013. The Punjab Waqf Board challenged the same by filing LPA No.2121 of 2013, which has been admitted and operation of the impugned judgment dated 08.04.2013 has been stayed. The departmental proceedings which had been initiated against respondent No.5 have concluded by the order dated 09.03.2018 and a penalty of ₹45,000/- has been imposed upon respondent No.5. A copy of the order dated 09.03.2018 has been annexed as Annexure R-3/1.

7. We are of the view that the necessary disciplinary action against respondent No.5 has been taken by punishing him with fine of ₹45,000/-. The allegations against respondent No.5 pertain to the year 1995 and he had been charge-sheeted on 01.03.1999. No case is made out to direct any further action against respondent No.5 with regard to the allegations leveled against him over two decades ago. The appropriate action has already been taken against him as per the order dated 09.03.2018.

8. Accordingly, the petition stands disposed of.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

01.05.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO