

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

228

**CWP-10364-2017 (O&M)
Date of Decision :05.12.2019**

Rohtash

... Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Sukriti Singla, Advocate for
Mr. Sanskar Kundu, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Gaurav Mohunta, Advocate for respondent No.4.

SUVIR SEHGAL, J.(ORAL)

Petitioner has approached this Court seeking direction to respondent No.2 to take action against respondent No.4 on the basis of inquiry dated 25.10.2016 (Annexure P-3) vide which respondent No.4 has been held guilty of mis-appropriation of gram panchayat funds.

Upon notice being issued, respondents No.1 to 3 have filed the written statement, wherein they have stated, as under:-

"That the petitioner has filed the present Writ Petition for directing the respondent No.2 to take action against respondent No.4 on the basis of enquiry report dated 25.10.2016 (P-3) expeditiously vide which respondent No.4 has been found guilty of mis-appropriation of Gram Panchayat Funds. In this behalf it is submitted that a complaint of petitioner

was received for investigation. The spot was inspected by the then Block Development and Panchayat Officer, Pillukhera. Report from the Headmaster, Govt. High School, Mohamad Khera, Distt. Jind was obtained regarding demand of Water Cooler installed in the said School, Valuation of the Water Cooler was got done from the Sub Divisional Officer, Panchayati Raj, Hisar. It is further submitted that the Valuation of the Submersible pump was also got done from the Sub Divisional Officer, Panchyati Raj, Pillukhera. The respondent no.4 Sarpanch, Gram Panchayat Mohmad Khera, District Jind was found guilty of the allegations vide enquiry report submitted by the Block Development and Panchayat Officer, Pillukhera vide No.469 dated 25.10.2016, Annexure P-3. The respondent No.4 was issued show cause notice by the then Deputy Commissioner, Jind vide memo No.8538/Panchayat-PA dated 19.12.2016. The respondent No.4 submitted his reply to the said show cause notice which was received on 4.1.2017 in the office of the Deputy Commissioner, Jind. The respondent No.4 was afforded an opportunity of personal hearing by the Deputy Commissioner, Jind vide memo No.9980/Panchayat-PA dated 14.3.2017 but the respondent No.4 showed his inability to appear for personal hearing on 23.3.2017 and requested for another date. Hence the respondent No.4 was granted another date for personal hearing on 18.4.2017 vide No.10075/Panchyat-PA dated 30.03.2017 but the then Deputy Commissioner, Jind summoned the respondent No.4 for personal hearing on 17.04.2017 vide No.243/Panchayat-PA dated 12.04.2017 and on that date he appeared before the then Deputy Commissioner, Jind. After personal hearing, the Deputy Commissioner, Jind vide memo

No.427/Panchayat-PA dated 21.04.2017 directed the Sub Divisional Officer (Civil), Safidon to enquire into the matter keeping in view the finding report of BD &PO, Pillukhera and the pleas taken by the respondent No.4 i.e. Sarpanch, Gram Panchayat, Mohmad Khera, Distt. Jind. The Sub-Divisional Officer (Civil), Safidon after examining the whole of the record, submitted his report to the Deputy Commissioner, Jind vide No. 1451/Steno dated 25.5.2017, Annexure R-1. The Sub Divisional Officer (Civil), Safidon during enquiry recorded the statement of respondent No.4 wherein he stated that the Headmaster, Govt. High School, Mohmad Khera had made demand of two Water Cooler and one RO. Keeping in view the demand of the Headmaster of Govt. High School, Mohamad Khera and strength of the students, the Gram Panchayat purchased two water coolers and one RO. The concerned firm did not mention the quantity of the water coolers in the quotations. In fact Gram Panchayat, Purchased two Water Coolers, one RO, Pipe Fittings and Tanki etc. in the School which are present in the School and the said fact has been proved by the Headmaster of the School vide his application dated 20.04.2016, Annexure R-2. One water Cooler of 150 litre, one RO of 50 litre and one Stabilizer was installed in the School on 07.05.2016 and the other Water Cooler of 150 litre, one Stabilizer dated 28.08.2016 was installed on 28.08.2016 in the School. Both these water coolers alongwith its other equipments are entered in the Stock Register of the School. The purchase of the Two water coolers alongwith other equipments has been approved by the Gram Sabha, Village Mohamad Khera, District Jind vide resolution dated 16.03.2017. The Sub Divisional

Officer (Civil), Safidon vide his report, Annexure R-1 pointed out some irregularities on the part of the respondent No.4 while providing two water coolers alongwith other equipments in the School on the demand of the Headmaster, Govt. High School, Mohamad Khera, District Jind, However, the Sub Divisional Officer (Civil), Safidon observed in his report Annexure R-1 that the purchase of the water coolers and submersible was made by the Gram Panchayat on the market rate and the payment has been made accordingly. The Deputy Commissioner, Jind respondent No.2 after considering the whole matter including the report of Sub Divisional Officer (Civil), Safidon, filed the matter after giving warning to complete the development works in the village as per instructions and honestly vide Memo No.2869/Panchayat-PA dated 17.07.2017 Annexure R-3. Hence the action in the matter has already been taken by the competent authority and no further action is required."

From the above, it is apparent that the respondents had taken action in pursuance to the report dated 25.10.2006. In the light of this situation, the writ petition has been rendered infructuous.

Dismissed as infructuous.

05.12.2019

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No