

CWP No.21252 of 2018

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

**CWP No.21252 of 2018
Date of decision:16.12.2019**

Sunil Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. N.S.Panwar, Advocate
for the petitioner.

Mr. Kapil Bansal, D.A.G., Haryana.

Mr. Rajesh K. Sheoran, Advocate
for respondents No.4 and 5.

SUVIR SEHGAL J.

The petitioner has filed the instant writ petition seeking a writ in the nature of certiorari for quashing the impugned order dated 15.06.2018 (Annexure P-30) passed by respondent No.5 vide which his representation has been disposed of. He has further sought a direction to the respondents to release the payment of Rs.6,39,621/- with interest @ 18% per annum for various articles supplied by him to the Gram Panchayat, Village Rathdhana Block Rai, District Sonipat.

The petitioner was running a shop in Village Rathdhana, in the name and style of 'M/s Priyanshi Paints & Hardware Store'. On demand raised by Sarpanch, namely, Pale Ram, of Village Rathdhana, he supplied material to the Gram Panchayat and raised various bills from 18.01.2015 to 11.06.2015 (Annexures P-1 to P-22) for the same. The total sum of the bills

is Rs.6,39,621/-(Annexure P-23). On 05.07.2015 (Annexure P-24), the Sarpanch verified that material mentioned in the bills had been supplied, various Submersible pumps had been installed and some repair work had also been done by the petitioner. Vide notification dated 06.07.2015, village Rathdhana was included in the limits of the Municipal Corporation, Sonipat. The Panchayat, its funds and powers were taken over by respondent no.4. As such the payment of the bills could not be released to the petitioner. Despite personally pursuing the bills with respondents No.3 and 4, the petitioner submitted representations dated 02.02.2018 (Annexures P-25 and P-26). Then he approached this Court by filing a CWP No.9990 of 2018 titled as 'Sunil Kumar Vs. State of Haryana and others' which was disposed of, vide order dated 24.04.2018 (Annexure P-27) with a direction to respondents no.3 and 4 to consider his pending representation and take necessary action, in accordance with law. In compliance thereto, after hearing the petitioner and the concerned officials, respondent no.5 passed the impugned order dated 15.06.2018 whereby representations of the petitioner were disposed of. Aggrieved against the same, the petitioner has filed the instant petition.

In response to the notice issued by this Court, respondents no.4 and 5 have filed their reply wherein they have submitted that after affording an opportunity of hearing, the parties were asked to submit the necessary documents which they never did. The said respondents have further submitted that the claim of the petitioner has not been rejected but it has been left open to the petitioner to approach them alongwith necessary

documents to get his claim processed.

Counsel for the parties have been heard. Respondent No.5, vide detailed order dated 15.06.2018 (Annexure P-30) noticed the fact that the documents in support of the bills such as work order, tender, quotation etc. had not been submitted by the petitioner. He had called for the documents both from the petitioner as well as the then Sarpanch of erstwhile Gram Panchayat of Village Rathdhana. Respondent No.5 further noticed that the record pertaining to assets, liabilities, original bills and documents had never been submitted by the Gram Panchayat to the Corporation and therefore, he arrived at the conclusion that the documents are not in possession of the petitioner as well as Gram Panchayat. Accordingly, he mentioned that no further action is required to be taken on the representation of the petitioner and disposed of the same leaving it open to the petitioner to submit the requisite documents before him at any subsequent point of time so that his bills could be verified and payment found due could be made. The observation of the Commissioner in this regard is reproduced as under:-

“In view of the facts and circumstances and submissions of Sh. Suresh Kumar (Retd.) the then-SDO Panchayati Raj, Sh. Anup Kumar Panchayat Secretary, Sh. Pale Ram the then Sarpanch and Sh. Sunil Kumar Proprietor M/s Priyanshi Paints and Hardware Store, it becomes prima facie clear that the above stated record/documents are not in possession with them. Therefore, in the absence of these pertinent documents, at this

stage, no action is required to be taken on the representation of the petitioner. However, it is made clear that in case these necessary documents are submitted in this office for further action, then appropriate action will be taken immediately and the committee which has already been constituted by Deputy Commissioner, Sonipat in the year 2015 will inspect the executed works and installed submersible. After completion of necessary formalities the payment shall be released to the agency without any delay. On the other hand, it is also clarified that if the necessary record alongwith original bill is not provided to respondent i.e. Municipal Corporation, Sonipat, the then SDO, Panchayati Raj (Sh. Suresh Kumar), Panchayat Secretary (Sh. Anoop Singh) and the then Sarpanch) (Sh. Pale Ram) will be responsible for the same in every manner.

The representations made by the petitioner at Annexure 25 and 26 are disposed of accordingly.”

In view of above, no interference with the order dated 15.06.2018 (Annexure P-30) is called for. The writ petition is accordingly dismissed.

(SUVIR SEHGAL)
JUDGE

December 16, 2019

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No