

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

CWP-3622-2015 (O&M)
Date of decision : 14.01.2019

Dilbag Singh

...Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. V.K. Shukla, Advocate,
for the petitioner(s).

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

CM-6409-CWP-2017

CM application is allowed as prayed for, subject to all just exceptions and the replication appended therewith is taken on record.

Main case

By way of the instant writ petition, the petitioner, *inter alia*, seeks issuance of a writ of Certiorari quashing order dated 07.10.2014 (Annexure P-6), whereby, the services of the petitioner were terminated.

It is contended that the petitioner was appointed as Additional Programme Officer on contract basis in Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA), vide order dated 25.07.2011 (Annexure P-1), issued by respondent No.2. In terms of the appointment order, the petitioner filed a service contract (Annexure P-2) as required by the respondents. The petitioner was served a show-cause notice dated

15.09.2014 (Annexure P-4) alleging therein that he had committed some omissions/commissions while discharging his duties. The petitioner furnished detailed reply dated 22.09.2014 (Annexure P-5) to the show-cause notice (Annexure P-4), which was not considered and the impugned order dated 07.10.2014 (Annexure P-6) was passed.

It is contended that the duties of the petitioner were only to implement the schemes/projects/works of the MGNREGA as per the guidelines issued by the Central as well as the State governments. It was the BDPO and the Accountant of the Block who were responsible for making the payments against execution of works by using their digital signatures. The APO was not authorized to carry out any financial transactions qua MGNREGA Schemes. Before passing the impugned order, no regular inquiry was ever conducted, nor the petitioner was afforded any opportunity to defend his case.

On the other hand, learned State counsel submits that the petitioner was appointed as APO on contract basis vide Service Contract Agreement (Annexure P-2). As per the agreement, services of the petitioner could be terminated by giving one month's notice in writing or by deposit of one month's salary. The duty of the petitioner was to upload the transactions/payments/receipts regarding MGNREGA Scheme online on Government website. The petitioner along with other officials uploaded fake bills on the website, thereby, causing huge loss to the exchequer.

Heard.

As per the duty chart, the petitioner was to upload the transactions/payments/receipts regarding MGNREGA Scheme on the

Government website. The petitioner uploaded fake bills on the website (MIS) showing pendency of the payment which proves the negligence causing loss to the Government. The petitioner was accordingly issued a show-cause notice and in view of the financial irregularities committed by him while discharging official duties and on finding that the reply to the show-cause notice does not explain the conduct of the petitioner, the services of the petitioner who was appointed on contract basis, were terminated. In this backdrop, the contention of learned counsel for the petitioner that regular inquiry was not conducted is of no consequence. It has also come on record that in pursuance of the inquiry conducted, the other officials, namely, Jagjit Singh Bal and Bandeeep Singh were also found guilty and accordingly, action was initiated against them. There is no denial of the fact that the documents in question were uploaded on the government website by the petitioner, which was within his domain alone. Therefore, this Court does not find any ground of interference in the impugned order.

In view of the above discussion, this Court feels that there is no merit in the present petition and accordingly, the same is dismissed.

14.01.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No