

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

**CWP-25554-2019(O&M)  
Date of decision-17.09.2019**

**Rakesh Kumar**

**...Petitioner**

**Vs.**

**State of Punjab and others**

**...Respondents**

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. A.D.S. Jattana, Advocate  
for the petitioner(s).

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**JITENDRA CHAUHAN, J.**

Prayer in the present petition is for quashing of the enquiry report dated 25.04.2018 (Annexure P-12), whereby the petitioner has been held to have embezzled the amounts while working as the Sarpanch of Gram Panchayat, Lole Nangal, Block & District Gurdaspur during the year 2013-14.

Learned counsel for the petitioner contends that the petitioner belongs to Shrimoani Akali Dal (SAD) and remained Sarpanch of village Lole Nangal District Gurdaspur from 2013 to 2018. A general complaint was made by one of the villagers due to political pressure and in pursuance thereof, an enquiry was ordered against the petitioner. Notice was issued to the petitioner by respondent No.6 which was received after the date of proceedings already elapsed. Petitioner moved a representation and brought these facts to the notice of Deputy Commissioner, Gurdaspur. He again moved a detailed representation on 18.04.2018 (Annexure P-11) to respondent No.2-Director, Panchayats, Mohali by stating that he was not associated in the enquiry and the dates for meetings have been fixed in such a manner that he was not able to attend the Court proceedings

against the Gram Panchayat and respondent No.2-Director, Panchayats passed an order dated 04.06.2018 (Annexure P-15) in favour of the petitioner directing respondent No.3-District Development & Panchayat Officer not to take any action on the enquiry report without associating the petitioner but respondent No.3 refused to comply with the order passed by respondent No.2 and ordered the police to register FIR against the petitioner and the petitioner was not even given an opportunity of hearing.

Heard.

In the impugned order (Annexure P-12) it has been specifically noticed that neither the petitioner joined in the enquiry/investigation nor he extended any co-operation in the same. The petitioner himself chose not to remain present during enquiry/investigation proceedings. Now he cannot turn around and state that he was not associated in the enquiry proceedings. The conduct of the petitioner disentitles himself from any relief claimed.

In this view of the matter, the Court at this stage, is not inclined to interfere in the matter.

Dismissed.

**17.09.2019**

*ps-I*

**(JITENDRA CHAUHAN)**  
**JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |