

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

**CWP-27719-2019(O&M)
Date of decision-30.09.2019**

Teja Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab
assisted by Mr. Ajaib Singh, BDPO, Nabha, District Patiala.

JITENDRA CHAUHAN, J.

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari to quash the enquiry report (Annexure P-10) as well as the opinion of the D.A. Legal dated 08.09.2015 (Annexure P-11) and order of Senior Superintendent of Police, Patiala dated 08.09.2015 (Annexure P-12) whereby it has been opined that no action is liable to be taken by the police.

Learned counsel for the petitioner states that an Ex-Sarpanch, namely, Pawan Kumar had embezzled the funds amounting to ₹12,58,025/- of the Gram Panchayat, Village Bhojo Majri, in connivance with Jagwinder Singh-Panchayat Secretary, Balbir Kumar-Junior Engineer, Block Nabha and Jagwinderdeep Singh Sandhu- BDPO, Nabha. On which, respondent No.2, directed the District Development and Panchayat Officer, Patiala to get an FIR registered. Two writ petitions were filed by the then

BDPO and Sarpanch in which the petitioner got himself impleaded as a party and both petitions were dismissed as withdrawn on 14.08.2012.

Thereafter, Additional Deputy Commissioner (Dev.) Patiala, again conducted a *de novo* enquiry from which it was concluded that there is embezzlement of funds of ₹12,58,025/- and respondent No.2 ordered that the amount be recovered under Section 216 of the Punjab Panchayati Raj Act, 1994. Petitioner had also filed CWP-19859-2013 and the same was disposed of on 25.03.2015 (Annexure P-7) with a direction to forward both the reports dated 02.02.2009 and 12.04.2013 (Annexures P-13 and P-10, respectively) to the police authorities for investigation. Although a communication was sent to the SSP, Patiala for compliance of order dated 25.03.2015 (Annexure P-7) but the police did not register any case and an affidavit was filed by the D.S.P. (Circle), Nabha stating that no incriminating evidence regarding embezzlement was found and the S.S.P. Patiala approved the same. Hence, quashing of Annexures P-10 and P-11 has been sought.

Learned State counsel on instructions informed that earlier the petitioner filed CWP-19859-2013, wherein petitioner had made similar allegations.

Heard.

The petitioner had prayed for registration of the criminal case against ex-Sarpanches of village Bhojo Majri and others vide CWP No.19859-2013. The said writ petition was disposed of by this Court vide order dated 25.03.2015 (Annexure P-7) whereby the respondents were

directed to forward the reports prepared by the Department, to the police authorities for proper investigation regarding embezzlement of funds. On the basis of such directions, the matter was investigated into by Vigilance Bureau Punjab, who submitted its report dated 29.06.2015, which is taken on record as Mark 'A', whereby Sh. Jagwinder Singh, Panchayat Secretary, Sh. Balvir Kumar- J.E., Sh. Pawan Kumar- Ex-Sarpanch of village Bhojo Majri were exonerated.

On the basis of said inquiry report exonerating these persons, no proceedings for recovery of any amount was initiated against these persons. The Court feels that the report dated 29.06.2015 (Mark 'A') is based on correct appreciation of facts and calls for no interference at this stage. Moreover, learned State counsel has rightly pointed out that the persons against whom allegations have been made in the present writ petition, have not been arrayed as respondents, therefore, the present writ petition would not be maintainable.

In view of the above, the instant petition sans merit and is hereby dismissed.

30.09.2019*ps-I***(JITENDRA CHAUHAN)
JUDGE**

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