

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-6565-2020 (O&M)
Date of Decision:- 12.3.2020

Sohan Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr. Amit Shukla, Advocate, for the petitioner.

AUGUSTINE GEORGE MASIH, J.(Oral)

The petitioner has approached this Court challenging the order of charge-sheet dated 27.12.2019 (Annexure P-14) whereby petitioner has been called upon to respond to the charges levelled against him. Challenge has also been posed to the order dated 29.08.2018 (Annexure P-10) whereby the recovery of ₹3,13,812/- is being effected from him with effect from June, 2018.

It is contention of the learned counsel for the petitioner that the petitioner is working on the post of Gardner-cum-Chowkidar. He contends that the petitioner has no financial power nor he ever got the power to collect the funds. He, however, accepts that the money was collected by the petitioner and was handed over to the Sub Divisional Engineer, Water

Supplies and Sanitation, Divn. No.1, Ludhiana. He asserts that the said officer, i.e. Sub Divisional Engineer has not further deposited the said amount collected with the treasury. His contention is that the petitioner was forced to give an affidavit dated 23.07.2018 (Annexure P-9) whereby he had given an undertaking to repay (get deducted) in monthly installments the amount of ₹2,76,000/- from his salary. The assertion has also been made that the petitioner under the *bona fide* belief had given an affidavit. After the recovery has been initiated against him, now a charge-sheet has also been issued for the same charges i.e. with regard to the embezzlement of the amount. For challenging the said charge-sheet reliance has also been placed upon the observations of the Accountant General (Audit) Punjab, dated 09.11.2018 (Annexure P-11) to contend that the petitioner was not responsible for the deposit of the amount nor would he so collect, the dues. It was not his responsibility and as a matter of fact the embezzlement, if any, has been done by the Sub Divisional Engineer and to save his own skin, the case has been made in such a manner that the petitioner was the culprit in the said process.

Prayer has thus, been made for allowing the present writ petition by setting aside the charge-sheet dated 27.12.2019 (Annexure P-14) and the order dated 29.08.2018 (Annexure P-10) whereby the recovery has been ordered to be effected from him in monthly installments.

Having considered the submission made by the counsel for the petitioner and having gone through the record of the case at this stage this Court does not find itself in a position to come to a conclusion as to whether the affidavit dated 23.07.2018 (Annexure P-9) which has been submitted by

the petitioner was the outcome of any pressure put on him, nor would be the Court be in a position to come to a conclusion that the charge-sheet which has been served upon the petitioner is without any basis especially when the note of the Accountant General (Audit) Punjab dated 9.11.2018 (Annexure P-11) followed by the factual position with regard to the admission on the part of the petitioner that he had been collecting the said amount for water charges and handing it over to the Sub Divisional Engineer which is to be as of now ascertained in the departmental enquiry which may proceed after the issuance of the chargesheet.

There being no merit in the present writ petition, the same stands dismissed.

March 12, 2020
Neelam

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking /reasoned	Yes
Whether Reportable	No