

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

COCP No.1658 of 2021

Date of Decision: 17.11.2021

Surjit Singh & Anr.

.....Petitioners

Versus

Manpreet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Harkirat Sandhu, Advocate for the petitioners.

Mrs. Deepali Puri, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J

The petitioners, through writ petition bearing CWP No. 30277 of 2019, sought a writ of Mandamus directing respondent No.2 to look into the matter regarding embezzlement of public funds and decide their representation/complaint.

This Court vide order dated 18.10.2019, disposed of the said writ petition directing the respondent to consider and decide the representation/complaint of the petitioner within six weeks from the receipt of the certified copy of the order.

Alleging wilful disobedience by the respondent, instant petition has been instituted.

A status report by way of affidavit dated 31.08.2021 of the Director, Department of Rural Development and Panchayat, Punjab has been filed stating that in compliance of the order passed by this Court, the representation of the petitioners was decided by the predecessor of the deponent vide order dated 28.11.2019 (P.4) vide which the BDPO, Sherpur was directed to initiate the recovery proceedings against the Ex-Sarpanch

under Section 216 of the Punjab Panchayati Raj Act, 1994 (hereinafter to be

referred as “the Act”). The Chief Engineer, Panchayati Raj was directed to take the disciplinary action against the Junior Engineer and Panchayat Secretary. The BDPO, Sherpur passed assessment order for recovery of Rs.8,27,606/- on 05.01.2021, which was challenged by the Ex-Sarpanch by way of appeal before the D.D.P.O, Sangrur, who further remanded the case back to the BDPO, Sherpur for fresh decision. It is further stated that the concerned Assistant Engineer has been suspended vide order dated 23.08.2021 for his involvement in the embezzlement of panchayat funds and charge sheeted under Rule 8 of the Punjab Civil Services (Appeal and Punishment) Rules, 1970 (for short “Rules 1970”) vide letter dated 25.08.2021 (R.3). Since the Panchayat Secretary had retired, he was charge sheeted under rule 2.2 (b) of Rules 1970. The Department granted prior approval vide letter dated 26.08.2021 for initiating investigation against Sarabjit Singh, Ex-Sarpanch, Davinder Singh, Assistant Engineer and Naresh Kumar Singla, Panchayat Secretary (Retd). Besides, an inquiry has been ordered to fix the responsibility of the delinquent officers/officials for unnecessarily delaying the departmental action for more than two years vide letter dated 26.08.2021 (R.6).

Taking into account the contents of the reply, this petition does not survive.

Disposed of as such.

November 17, 2021
manoj

(Harinder Singh Sidhu)
Judge

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