

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

Sr. No.215

CWP No.16428 of 2020

DATE OF DECISION: March 02, 2021

KESH RAM

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manav Bajaj, Advocate for
Mr. Sumeet Goel, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

The petitioner was suspended vide order dated 20.08.2020 and his appeal has been dismissed vide order dated 25.09.2020. Both these orders are under challenge in this writ petition.

While suspending the petitioner, the Deputy Commissioner, Faridabad has found that he has committed serious irregularities by purchase of masks and sanitizers worth ₹62,24,022/- without e-tendering which was violative of Government instructions. Further, amount earned on account of interest has not been invested in a Fixed Deposit. While dismissing the appeal, The Principal Secretary to Government of Haryana, Development and Panchayats Department, Chandigarh has not only upheld the said findings but has also found that in case of an emergency, purchase

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should have been made after getting approval of the Deputy Commissioner and at rates approved by the Health Department.

Learned counsel for the petitioner submits that purchase of masks and sanitizers was essential on account of Covid-19 pandemic. The matter was of urgent nature and a lot of time would have been spent in obtaining requisite permissions or adopting the process of e-tendering, which would have defeated the purpose of the exercise. Even though huge amount has been spent, the same has been done in public interest and there is no allegation that masks and sanitizers were not purchased or that the same were not distributed to the general public. The action of the petitioner was bonafide and thus, the orders impugned are illegal.

Learned State counsel submits that meanwhile, regular inquiry has been concluded vide report dated 16.11.2020 and the writ petition has been rendered infructuous. The petitioner would now need to challenge the final inquiry report. Further, it has been argued that the process of e-tendering could have been avoided by taking advance permission from the Deputy Commissioner. The time spent in obtaining such permission would not have involved the delay that the petitioner is trying to project. In any case, purchase should have been made on prices approved by the Health Department. The same having not been done, a gross irregularity has been committed and thus, the impugned orders do not suffer from any illegality.

The Covid-19 pandemic did require purchase of large quantities of masks and sanitizers. For the purposes of this case, I am assuming that the purchased products were distributed amongst the general public. That, however, does not absolve the petitioner of his duty to spend public

Thus, I do not find any error in the impugned orders. The writ petition is dismissed.

Ankur

Yes/No

Yes/No