

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

CWP-18070-2021 (O&M)

Date of decision: 13.09.2021

Sukhwinder Singh

...Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.S.Saini, Advocate for the petitioner
Ms.Sunint Kaur, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is an elected member of the Gram Panchayat, Village Khawaza Vardag, Tehsil Dera Baba Nanak, District Gurdaspur. Through this writ petition, the petitioner prays for issuance of a direction to respondent no.1 to 3 to take action against respondent no.4 to 6. It is alleged that respondent no. 4 to 6 embezzled Rs.24,39,114/- from the Panchayat funds. It has come on record that the petitioner filed CWP-25564-2019, which was disposed of on 12.09.2019 with the following order:-

“This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing the respondent Nos.1 to 3 to conduct inquiry into the matter against respondent Nos.4 to 6 and to consider and decide the representation dated 25.03.2019 (Annexure P-4) and legal notice dated 14.06.2019 (Annexure P-6).

Learned counsel for the petitioner states that at this stage, he would be satisfied, if a direction is issued to respondent No.2-Director, Department of Rural Development and Panchayats, Punjab to

consider and decide the representation dated 25.03.2019 (Annexure P-4) and legal notice dated 14.06.2019 (Annexure P-6) expeditiously.

Heard.

A complete set of paper book has been handed over to Mr. Vikas Mohan Gupta, Addl. A.G., Punjab in the Court today.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.2- Director, Department of Rural Development and Panchayats, Punjab to consider and decide the representation dated 25.03.2019 (Annexure P-4) and legal notice dated 14.06.2019 (Annexure P-6) in accordance with law within six weeks from the receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the request made by the petitioner is admissible, in such eventuality, the consequential relief be allowed to him, within a period of six weeks thereafter. However, in case the competent authority feels that the request made by the petitioner is not admissible, in that case, a speaking order be passed in the matter.”

Thereafter, a departmental inquiry was initiated against respondent no. 5 and 6 and the chargesheet was issued on 28.11.2019. However, the proceedings have not been concluded. Learned counsel representing the petitioner has also drawn attention of the Court to the report of the Executive Engineer submitted to the Additional Deputy Commissioner on 18.10.2019 concluding embezzlement of funds. Pursuant to the direction of the Court in CWP-25564-2019 a speaking order has been passed by the Department of Rural Development and Panchayat.

Notice of motion.

At the request of the Court, Ms. Sunint Kaur, AAG, Punjab, accepts notice on behalf of respondent no.1 to 3 and on instructions from

Sh.Lehbar Ram, Superintendent, RDE 1 Branch, she states that the competent authority has ordered a fresh inquiry as a proper opportunity of hearing was not afforded to the delinquent officials. She undertakes that the regular inquiry will be completed within a period of two months. She has also disclosed that a separate inquiry has been ordered against the concerned Block Development and Panchayat Officer.

Keeping in view the aforesaid facts, the writ petition is disposed of while directing the respondents to conclude the departmental inquiry against respondent no. 4 to 6 positively within a period of two months and thereafter, take action in accordance with law.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

13.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE