

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

Sr. No.109

**CM-15077-CWP-2022 in/and
Civil Writ Petition No.18194 of 2022
Date of Decision : September 23, 2022**

Tehal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dheeraj Mahajan, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

CM-15077-CWP-2022

This application has been filed for placing on record
Annexures P-13 to P-15.

For the reasons stated in the application, the same is allowed
and annexures aforementioned are taken on record.

At oral request, main case is taken on board.

CWP-18194-2022

The petitioner remained Sarpanch for the period 2008 to 2013.
A complaint of embezzlement was made against him whereupon inquiry
was conducted and inquiry report dated 18.04.2016 was submitted by the
Sub-Divisional Officer. According to the findings, embezzlement was
proved and amount to be recovered was specified. This report is under
challenge in this writ petition.

Learned counsel for the petitioner has submitted that inquiry was ordered to be conducted by a two members committee as is evident from letter dated 18.08.2015 issued by the Executive Officer, Panchayati Raj, yet, inquiry was conducted by only one person i.e. Sub-Divisional Officer, Panchayati Raj. Thus, the inquiry was illegal and deserved to be set aside.

Learned counsel for the petitioner was asked to refer to the legal principle which made an inquiry by one official illegal, but, he has failed to do so and thus, the argument is rejected.

The next argument raised is that the petitioner was not associated with the inquiry and the audit report for the relevant period has not been taken into consideration.

A perusal of the inquiry report shows that the petitioner failed to join the inquiry despite issuance of notice. He was given an opportunity to be present at the time of measurement but for the reasons best known to him, he did not present himself nor did he produce any documents. Thus, at this stage, he cannot raise any grievance. Consequently, the argument is rejected.

Finally, it has been submitted that legal notice dated 04.05.2022 (Annexure P-10) was issued for conducting a fresh inquiry whereupon vide letter dated 17.08.2022 the Punjab Government has directed the District Development and Panchayat Officer to conduct an inquiry and report within 15 days. This direction has not been complied with and thus, a direction be issued for compliance with the direction.

A perusal of the translation of the aforementioned letter does support the argument raised by learned counsel for the petitioner, however, the translation is not accurate. On reading the Punjabi version, it transpires that a direction has been given to the District Development and Panchayat Officer to consider the legal notice and give his report thereupon. Thus, this argument also fails.

No other argument has been raised.

The writ petition has no merit and is dismissed.

September 23, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No