

Gram Panchayat, Pakhowal

...Petitioner

vs.

Varinder Kumar Sharma and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Parminder Singh, Advocate for
Mr. Vivek Chauhan, Advocate for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the instant petition is for initiating action against the respondents for intentional and willful defiance of order, Annexure P/2 dated 16.08.2016, in CWP-4265-2016.

2. A perusal of order Annexure P/2 dated 16.08.2016, reveals that CWP-4265-2016, was disposed of by ordering that each and every development work sought to be executed through any particular agency at the hands of the Gram Panchayat, would be carried out under the direct supervision of the Officers of the Department of Rural Development and Panchayat including the Engineering Wing thereof and that the Gram Panchayat would be under legal obligation to ensure that if any particular amount was received by way of grant-in-aid under any particular scheme or for a particular development work, said amount would be spent accordingly for that particular work or under that very scheme and that the government department giving grant-in-aid would also be entitled to

require the gram panchayat to spend the amount only for that gram

panchayat only. Learned counsel contends that despite the aforementioned order, letter Annexure P/4 was issued as per which, Block Development and Panchayat Officers, Raikot, Sudhar and Pakhowal were entrusted with the responsibility for development work from concerned agencies.

3. Notice has not yet been issued in the instant case, but status report has been filed by the learned AAG, Punjab and as per paragraph No.10 of the same, the petitioner i.e. Gram Panchayat, Pakhowal, has been made the Executing Agency for execution of the work. Paragraph No.10 of the status report reads as under:-

“That on coming to know about this inadvertent error, the office of the Deputy Commissioner i.e. Deputy Economic and Statistics Advisor, Ludhiana, issued letter dated 10.02.2022, stating that due to some clerical mistake in Annexure-2, the BDPO Pakhowal was typed as Executing Agency. It is made clear for amending this mistake that the Gram Panchayat Pakhowal be read as Executing Agency (under technical supervision of Executive Engineer, Panchayati Raj, Pakhowal) for execution of works mentioned at Sr. NO.1 to 5. Subsequently, it is also directed that according to the instructions of Election Commission of India, these works can be started after Election Code of Conduct.”

4. Learned counsel for the petitioner states that in view of the stand of the respondent in paragraph No.10 of the status report, he does not press the instant petition.

5. Accordingly, in view of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is

disposed of as not calling for any action against the respondents under the

Contempt of Courts Act, 1971.

05.04.2022
rajesh

(B.S. Walia)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No