

CWP-10011-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(124)

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Date of decision:- 10.05.2023

Dr. Shiv Prakash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.K.Verma, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

SUVIR SEHGAL, J. (Oral)

1. *Inter-alia* challenge in the writ petition is to order dated 21/24.04.2023, Annexure P-6, passed by respondent No.2, whereby power of Drawing and Disbursing Officer (for short “DDO”) for the office of SMO, CMC, Kharakramji (Jind) has been given to private respondent No.4 after withdrawing it from the petitioner.

2. Counsel for the petitioner submits that the petitioner, who is the senior most Medical Officer, was declared as the DDO by virtue of order dated 19/21.10.2022, Annexure P-2, prior to being sent on deputation vide order dated 10.02.2023, Annexure P-4. He contends that by impugned order, which has been passed in violation of Rule 1.24 of the Punjab Financial Rules, Volume-I (as applicable to State of Haryana), respondent No.4, who is posted at different CHC and is an outsider, has been given the powers of DDO.

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3. On an advance notice served upon the State, State counsel has sought telephonic instructions from Mrs. Manju Kadian, Civil Surgeon, Jind and submits that the petitioner is on deputation with PHC Dariyawala, Jind. Still further, by making a reference to communication dated 11.04.2023, Annexure P-5, he submits that there were complaints against the petitioner. He further urges that the petitioner has no vested or fundamental right to claim the powers of DDO.
4. Counsel for the parties have been heard and material placed on the record has been examined.
5. Impugned order, Annexure P-6, has been passed by respondent No.2 in exercise of power under Rule 1.24 of the Punjab Financial Rules, Volume-I read with Rule 1.15, *ibid*, which deserve to be noticed and are reproduced hereunder:-

“1.15 “Controlling Officer” means a head of a department or other departmental officer who is entrusted with the responsibility of controlling the incurring of expenditure and/ or the collection of revenue by the authorities subordinate to the department.

In relation to receipts and expenditure under any head of account, this term denotes a Government employee designated as such in Appendix D to the Punjab Budget Manual (Forth Edition).”

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“1.24 “Head of Office” means a Government employee designated as a Disbursing Officer in Appendix D to the Punjab Budget Manual (Fourth Edition) or any other Gazetted Government employee declared to be the head of an office by competent authority.

Head of Departments have been authorized to declare any Gazetted Officer subordinate to them to be the head of an office for the purpose of these rules.

***Note.**— In the event of a head of an office being on leave or his post otherwise falling vacant, the head of his department shall be competent to declare, during the period of his leave or during the period the post remains vacant, the next senior official to be the head of an office.”*

6. Power of a Drawing and Disbursing Officer conferred upon an official for the smooth running of an office, so that timely disbursement of payments and salaries can be made. It neither involves promotion nor does it entail grant of a higher pay scale. DDO is authorised to sign, draw bills including pay and allowances, incur expenditure to the extent specified and make payments. DDO may be the Head of the Department or any other Gazetted Officer. No restriction could be pointed out by the counsel for the petitioner to the appointment of any Gazetted Official from outside the office. Rule 1.24 of the Punjab Financial Rules, Volume-I, when read in juxtaposition with Rule 1.15, *ibid*, shows that any departmental official can

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be entrusted with this responsibility. Furthermore, petitioner has not been able to exhibit violation of any statutory right, nor he is adversely effected financially or prejudiced in any manner.

7. This Court is of the firm view that the writ petition is an outcome of ego or prestige issue and is sans any merit or legal issue. Such a petition does not qualify to be entertained and deserves to be rejected at the threshold.

8. Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

10.05.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No