

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

**COCp-1577-2022 (O&M)
Date of decision: 27.04.2023**

Sampuran Singh

....Petitioner

Versus

Himanshu Aggarwal, IAS

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Priyanshu Kamra, Advocate
and Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

On 28.02.2023, the following order was passed:-

“The petitioner is alleging violation of the order dated 11.09.2019, passed by this Court in CWP-25320-2019, vide which, the Deputy Commissioner, Fazilka was directed to consider and decide the representation of the petitioner regarding embezzlement of government fund, issued for the development work in the village.

As per affidavit, filed by the Deputy Commissioner, Fazilka, the representation was decided on 18.08.2022 by passing a speaking order, wherein the District Development and Panchayat Officer, Fazilka was instructed to take further action for fixing the liability and send the report, however, no action has been taken in this regard.

Learned State counsel has placed on record a communication dated 14.11.2022, sent by the District Development and Panchayat Officer, Fazilka to Director, Rural Development and Panchayat Department, Mohali, in which, shortage of the building material, in tabular form, is given, however, nothing is stated about what action is being taken.

On the face of it, Deputy Commissioner, Fazilka as well as District Development and Panchayat Officer, Fazilka are violating the order of this Court.

List again on 27.04.2023.

Deputy Commissioner, Fazilka as well as District Development and Panchayat Officer, Fazilka are directed

to remain present in person before this Court on the next date of hearing.”

In pursuance thereof, the Deputy Commissioner, Fazilka has filed the compliance affidavit, in which it is stated that on 14.11.2022, the DDPO, Fazilka has submitted a report to the Director, Rural Development and Panchayat, Punjab, Chandigarh, recommending to take legal action against Kuljeet Kaur, Sarpanch of Village Guddar Bhaini, however, on 19.01.2023, it was directed that afresh report be sent after re-investigation. Thereafter, the Executive Engineer, Panchayati Raj, Fazilka, was deputed to conduct re-investigation and after re-investigation, an amount of Rs.6,12,097/- was found recoverable from the said Sarpanch and in this regard, notice was given to the Sarpanch, who has deposited the same on 11.04.2023 with BDPO, Fazilka. It is also stated that ADC(D) Fazilka, vide letter dated 12.04.2023, has recommended the Director, Rural Development and Panchayat Department, Punjab, to suspend Kuljeet Kaur, Sarpanch and the office of the Director has already issued a show cause notice to the said Sarpanch on 17.04.2023 with regard to the charges against her.

However, counsel for the petitioner has submitted that the amount calculated is not correct and the petitioner may be granted liberty to avail the alternative remedy in accordance with law.

Since the necessary compliance has been made, this petition is disposed of having been rendered infructuous.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

27.04.2023
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No