

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

CWP-21126-2022

Date of decision : 12.12.2023

Dev Parkash

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Prarthana Duggal, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

Mr. Surjit, Advocate for
Mr. Vikram Singh, Advocate
for respondent No.6.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction to respondents No.2 to 4 for taking necessary legal action against the respondents No.6 & 7 for causing huge loss of Rs.10,15,246/- by embezzling the Gram Panchayat Fund in development works.

Learned State counsel has drawn the attention of this Court to the reply filed and has submitted that a complaint was filed against respondent No.6, on which an inquiry was conducted by the Executive Engineer (PR), Yamuna Nagar and the allegations regarding the embezzlement were duly substantiated. He submits that respondent No.6 filed a Civil Suit, assailing the same, wherein the learned Civil Court vide its order dated 20.09.2021, directed the State to effect the recovery from the petitioner in accordance with law. He has submitted that notice was

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issued to respondent No.6 to explain his position and after considering his explanation, B.D.P.O. passed recovery order dated 23.01.2023. He has submitted that aggrieved by the same, respondent No.6 has filed the appeal under Section 53(3) of the Haryana Panchayati Raj Act 1994, before the Deputy Commissioner-cum-Collector under Section 53(3) of the Haryana Panchayati Raj Act, and the same is pending for hearing for 20.12.2023. He submits that it is apparent that the action has already been initiated and the same is under consideration before the authorities and thus, nothing survives in this petition and the grievance of the petitioner has already been redressed.

After hearing learned counsel for the parties, it is apparent that on the complaint filed, the action has already been initiated and an order was passed for recovering the amount of Rs.10,15,246/- against which the appeal filed by him is pending adjudication before the Deputy Commissioner-cum-Collector, Yamuna Nagar.

In view of the above, the present writ petition is disposed of as infructuous. However, the petitioner is at liberty to pursue his remedies in accordance with law.

12.12.2023
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No