

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216)

2023:PHHC:084222
CWP-29789-2018(O&M)
Date of Decision: 04.07.2023

Dilbag Singh & another

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Parambir Singh, Advocate for the petitioners.

Mr. Arun William, AAG, Punjab.

Mr. I.S. Dhatt, Advocate for respondent no.5.

Mr. A.S. Salar, Advocate for respondent no.6.

Mr. N.P.S. Mann, Advocate for respondents no.7,9 to 11.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus for directing the respondents no.1 to 3 to take action against respondents no.6 to 12 for misappropriating the funds of Old Age Pension Scheme.

In pursuance to the order passed by this court, respondents filed their replies.

Learned counsel for the petitioners submits that there were specific allegations against the respondents for disbursing the Old Age Pension not only to the authorized persons but also to the dead persons as well and no inquiry was made in this regard by the competent authorities, however, after notice having been issued the respondents conducted an inquiry which is totally against the factual aspects of the issue. It is submitted that the amount embezzled by the respondents is much more than

the amount shown by respondent no.2 in the inquiry proceedings. It is further submitted that the petitioners have also impugned the same by way of filing an application for amending the present petition.

Learned counsel for the private respondents have vehemently opposed the submissions made by counsel for the petitioners. It is submitted that after notice having been issued by this court, a free and fair inquiry was conducted by respondent no.2 and the present petition has been rendered infructuous as the prayer made by the petitioners in this petition has already been looked into. It is further submitted that even if the petitioners are aggrieved by the above said inquiry conducted by respondent no.2, then they have a remedy to assail the order passed by respondent no.2 by way of filing an appeal under Section 20(6) of the Punjab Panchyati Raj Act. Counsel submits that petitioners have not assailed the same and thus the present petition is not even maintainable.

Learned State counsel has submitted that respondent no.2 has already conducted an inquiry and submitted the report of the same and thus the prayer made in the present petition no more survives.

After hearing learned counsel for the parties and perusing the record, it is apparent that after notice having been issued by this court, an inquiry was conducted by respondent no.2 and an order was also passed. Petitioners have the remedy of filing an appeal under Section 20(6) of the Punjab Panchyati Raj Act.

Accordingly, present petition is disposed of with liberty to the petitioners to avail their remedies in accordance with law. In case the petitioners file an appeal against the inquiry conducted by respondent no.2,

the competent authority is directed to decide the same expeditiously in
accordance with law.

(RAJESH BHARDWAJ)
JUDGE

04.07.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No