

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

CWP-462-2021

Decided on 07.12.2023

Hukam Singh and another

...Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Siwach, Advocate, for the petitioner.
Ms. Upasana Dhawan, Assistant Advocate General, Haryana.
Mr. G.S.Sandhu, Advocate, for respondent No.3.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for issuance of direction to respondent No.2 to take action against respondent No.3 who has embezzled crores of rupees and even charge-sheet has been issued and various FIRs have also been registered against respondent No.3 and further to take action on the application dated 31.10.2020 (Annexure P-2), application dated 31.10.2020 (Annexure P-3) and legal notice dated 02.11.2020 (Annexure P-7) within some specified time.

It has been contended by the learned counsel for the petitioners that respondent No.3 i.e. BDPO, Nilokheri, District Karnal remained posted at various places and remained posted as BDPO in the Block Nilokheri from 24.04.1998 to 28.12.1998, from 29.07.2010 to 06.06.2011, from 05.08.2013 to 10.07.2014 and from 01.05.2020 till date. It is submitted that Sarpanchs of all the Gram Panchayat in Block Nilokheri were under tremendous pressure as the BDPO embezzled the Government funds. Faced with the situation the Sarpanchs filed application 13.07.2020 to the Chief Minister for taking legal

action against respondent No.3. He has submitted that the petitioners filed application dated 31.10.2020 to respondents No.1 and 2 for taking legal action against respondent No.3. He has submitted that legal notice dated 02.11.2020 was also served upon respondent No.1 regarding embezzlement committed by respondent No.3, but no action has been taken thereon till date. He submits that hence, the petitioners have approached this Court by way of filing the present petition praying for issuance of direction to the respondents No.2 and 3 to initiate legal action against respondent No.3.

This Court issued notice to the State and in response to the same reply by way of affidavit of Nishant Kumar Yadav, IAS, Deputy Commissioner, Karnal, has already been filed.

Learned State counsel has opposed the submission made by counsel for the petitioners that the State has not taken action on the complaint filed by the petitioners. She submits that the Deputy Commissioner, Karnal vide order dated 26.11.2020 has instituted regular enquiry by appointing the Chief Executive Officer, Zila Parishad, Karnal for taking action on the complaint filed by the petitioners. She submits that a detailed enquiry was conducted by the Chief Executive Officer and he submitted his detailed enquiry report stating therein that the petitioners have levelled allegations for embezzlement of Rs.20-25 Lacs but they did not produce any documentary evidence in support of their allegations. It is submitted that the allegations regarding selling sanitizers were found to be false as no sanitizers were purchased by the BDPO. She has further submitted that FIR No.456 dated 17.11.2014 was registered against respondent No.3 in Police Station Nighdu and he was charge-sheeted under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules 2016. Thus, departmental proceedings under

Rule 7 are already under progress against respondent No.3. She has submitted that during the enquiry respondent No.3 was found guilty of embezzling house rent allowance, however, recovery of the same has been effected from respondent No.3.

Heard learned counsel for the parties and perused the record. The contention raised by counsel for the petitioners that no action has been taken by the respondent-State is totally mis-concieved being factually incorrect. It is apparent that the action has already been initiated by the respondent-State. Thus, in view of the above, the present petition is disposed of with a direction to the respondent-authorities to conclude the action initiated as is apparent from the record against respondent No.3 expeditiously in accordance with law.

The petitioners would be at liberty to avail their remedy in case any further cause of action accrues to them.

(RAJESH BHARDWAJ)
JUDGE

07.12.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No