

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21392-2023

Date of decision : 18.10.2023

Krishan Kumar and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. S. Sahu, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of direction to respondent No.3-Deputy Commissioner, Sirsa to take action to implement the order dated 16.03.2022 (Annexure P-11) which was passed in compliance of the order dated 11.02.2021 (Annexure P-10) passed by this Court directing the respondent No.3 to take a decision on the representation dated 11.11.2020 (Annexure P-8) and reminder dated 21.12.2020 (Annexure P-9) submitted by the petitioners. However, respondent No.3 has passed the order dated 16.03.2022 (Annexure P-11) but no action thereon has been taken by respondent No.3 to implement the order dated 16.03.2022. Therefore, respondent No.3 may be directed to take action forthwith to comply with the order dated 16.03.2022. Further prayer has been made for directing respondent No.3 to take action in terms of the enquiry report dated 05.02.2019 (Annexure P-5) constituted to

enquire into the embezzlement by the private respondents under MNREGA Scheme and as per enquiry report, an amount of Rs.93.29 Lacs found to be embezzled as detailed in point No.1 of this enquiry report, but qua this huge embezzlement till date no action has been taken to recover this amount nor any criminal case has been registered for embezzlement of this huge amount by the private respondent as this amount was meant for small farmers for levelling their land and laying down underground pipelines for their better irrigation. The petitioners made representation on 18.05.2023 (Annexure P-14) and also submitted reminder on 20.07.2023 (Annexure P-15) but till date no action has been taken by the respondent. Therefore, respondent No.3 may be directed to take action against the private respondents on the basis of detailed enquiry report and implement the order dated 16.03.2022 (Annexure P-11) and recover the huge amount i.e. 93.29 Lacs and Rs.2613051 total Rs.1,19,42051/- from the accused persons.

It has been contended by learned counsel for the petitioners that private respondents have committed embezzlement and despite repeated representations, no action has been taken on the same.

Notice of motion.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 6.

She, however has submitted that the earlier representation filed by the petitioners was duly dealt with and the recovery notice was also issued to respondent No.7 in view of the inquiry conducted. She submits that respondents filed the writ petition bearing CWP No.13060 of

2020 which was dismissed as withdrawn with liberty vide order dated 16.05.2023. Thus, she submits that no cause of action survives with the petitioners as the requisite action in accordance with law has already been taken.

I have heard learned counsel for the parties and perused the record.

After hearing learned counsel for the parties and perusing the material on record, it is apparent that on the earlier representation filed by the petitioners, the respondent-State has taken the action in accordance with law. Thus the petition is disposed of with direction to the respondent-State to take further action subject to the order, if any passed in any appeal or revision filed by the respondents.

Disposed of in the above -mentioned terms.

(RAJESH BHARDWAJ)
JUDGE

18.10.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No