

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

CWP-30264-2022 (O&M)

Date of decision: 22.03.2023

Kawaljeet Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. N.P.S.Mann, Advocate for the petitioner

Mr.Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of a writ in the nature of Certiorari to quash the order passed on 04.04.2022 whereby his services as a Panchayat Secretary have been dispensed with. The petitioner alongwith the then Administrator was issued a charge-sheet for causing financial loss to the tune of Rs.24,39,114/- to the Gram Panchayat, Khawaja Wardagh. At the relevant time, the petitioner was posted as a Panchayat Secretary whereas Sh.Narinder Kumar was the Administrator of the Gram Panchayat. The inquiry officer, after appreciating the evidence produced, came to the conclusion that the charges against the petitioner stand proved. After the report was submitted, a show cause notice was issued to the petitioner while giving him an opportunity to file reply in the context of findings arrived at by the inquiry officer. Ultimately, after granting opportunity of hearing to the petitioner, he has been dismissed from service.

2. Learned counsel representing the petitioner with all

vehemence at this command submits that the petitioner is merely a Panchayat Secretary. Hence, it was the Administrator who may have indulged in misappropriation of funds. He submits that the petitioner neither passed any resolution nor withdrew any amount and he never purchased any material.

3. The scope of judicial review in such kind of matters is limited. Learned counsel representing the petitioner has failed to draw the attention of the Court to any violation in the procedure followed either by the inquiry officer or by the disciplinary authority. The petitioner being an official of the Government as well as the Gram Panchayat was required to take steps for the prevention of embezzlement of such a huge amount. He cannot claim innocence on the ground that he did not pass any resolution or utilized the amount for his own purposes. In this case, the alleged embezzlement is a huge amount.

4. Hence, no ground to issue the writ, as prayed for, is made out.

5. Dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

22.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE