

CWP-26311-2023

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Neutral Citation No. 2023:PHHC:151081

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

CWP-26311-2023

Date of Decision: November 23, 2023

Jasmer Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ranjit Saini, Advocate for
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for quashing of order dated 27.09.2022 passed by respondent No.5, Annexure P-13, dismissing the complaint filed by him against respondent No.6 for taking appropriate action against her for embezzeling a huge amount of Gram Panchayat fund in carrying out the various development work. It is further prayed to issue directions to the respondents to take appropriate action against respondent No.6 as all the allegations levelled against her already stands proved but all the officers, in connivance with, did not touch the real controversy involved in the matter with a view to help respondent No.6.

It has been contended by learned counsel for the petitioner that petitioner is a resident of village Topra and being aggrieved from the functioning of respondent No.6, the Sarpanch, he filed a complaint against her before the CM Window on 15.12.2016 on the allegation that she had embezzelled a huge amount. This complaint was referred to the respondents

for holding an inquiry. It is submitted that ASDO has submitted a cryptic report dated 06.01.2017 to Sub Divisional Officer, Panchayati Raj Radaur by giving a finding that all the development work carried out by respondent No.6 was carried out in accordance with law. He has submitted that BDPO, on the basis of this report, informed DDPO that no irregularities have been committed by respondent No.6. He has submitted that respondents/authorities were hand in gloves with respondent No.6 and because of the same, the petitioner was not associated in the inquiry. It is submitted that petitioner was falsely implicated in the FIR as earlier he had filed a complaint against respondent No.6. He has submitted that Executive Engineer, Panchayati Raj, Yamuna Nagar constituted a Committee consisting of Sub Divisional Officer, Panchayati Raj, Jagadhri, Pardeep Kumar, Sub Divisional Officer, Panchayati Raj, Radaur, Naresh Kumar, ASDE, Panchayati Raj, Radaur, Tarsem Singh, Junior Engineer Radaur on 16.05.2017 and asked it for the report to be submitted within three days. It is submitted that official machinery was hand in gloves with respondent No.6 and thus the petitioner again filed a complaint, dated 26.04.2017 to the CM window. He submits that when no action was taken, the petitioner filed a complaint before respondent No.5, i.e. Lokayukta Haryana. He has submitted that false report was filed in response to the complaint stating that the allegations made by the petitioner against respondent No.6 were not proved. He has submitted that the Deputy Commissioner, Yamuna Nagar, sought a report from the Executive Engineer, Panchayati Raj, Yamuna Nagar. He submits that report dated 22.11.2021 was prepared by the Registrar, who without going into the controversy involved, submitted the

report on the basis of earlier inquiry itself. He submits that the allegations made in the complaint were not inquired into. He has submitted that though the petitioner produced sufficient evidence, but the same was ignored only in order to give benefit to respondent No.6. It has been submitted that the impugned order passed by respondent No.5, being totally against the evidence on record, deserves to be set aside by directing the respondents to take appropriate legal action against respondent No.6 on the basis of allegations made by the petitioner.

Counsel for the petitioner has been heard and record is perused.

It is apparent from the record that on receiving the complaint filed by the petitioner, the Lokayukta forwarded the same to the Deputy Commissioner to inquire into the complaint and submit the report. Accordingly, the report was submitted by the Deputy Commissioner on 24.04.2019. The inquiry was conducted by the Executive Officer, Zila Parishad, Yamunanagar and the supplementary Enquiry report dated 15.11.2019 was prepared by the BDPO, Radaur.

The report submitted was duly perused. All the allegations made by the complainant/petitioner were found to have been inquired into. It was submitted in the report that the complaint was sent to the Deputy Commissioner, Yamuna Nagar for inquiry vide order dated 16.02.2018. The Deputy Commissioner, Yamuna Nagar vide letter dated 26.04.2019, submitted the inquiry report, dated 24.04.2019 conducted by Chief Executive Officer, Zaila Parishad, Yamuna Nagar and the Deputy Commissioner, vide letter dated 12.12.2019 submitted the supplementary inquiry report dated 15.11.2019 conducted by the BDPO. The objections

were filed by the complainant to the inquiry report. On conducting the inquiry, it was found that amount of Rs.43,470/- was shown as an excess payment. From the inquiry report, it was found that respondent No.6 had already deposited this amount in the Panchayat funds. Thus, it was held that no irregularities have been found to have been committed as no financial loss was caused to the Gram Panchayat. It was concluded in the inquiry report that there did not exist any reasonable ground for conducting further inquiry/investigation. On perusal of the record and the inquiry it was also found that petitioner is habitual litigant and for his misbehaviour, FIR No.60, dated 30.03.2017 under Sections 186 and 342 IPC was also registered against him.

Thus, it is apparent that all the allegations made by the petitioner were inquired into by duly constituted Committee and no irregularities were found to have been committed by respondent No.6. There was no financial loss found to have been caused to the Gram Panchayat. Hence, this Court does not find any infirmity in the view taken by learned Lokayukt and thus there being no merit in the petition, the same is, hereby, dismissed.

November 23, 2023

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- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**(RAJESH BHARDWAJ)
JUDGE****Yes/No
Yes/No**