



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-3303-2023 (O&M)

Date of decision: 09.05.2024

Pardeep Singla

...Petitioner

VERSUS

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Sonia G. Singh Samber, Advocate for the petitioner.

Mr. Sudhir Nar, Advocate for respondents No.1 and 2.

Mr. Pankaj Mulwani, DAG Haryana
for respondents No.3, 4 and 6.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the instant petition is for directing respondent No.3 to decide the complaint dated 22.10.2020 of the petitioner and to take action against respondent No.5 for not allowing the petitioner to open his Aadhaar Centre.

2. Learned counsel for the petitioner contends that the petitioner had been running a CSC Aadhaar Centre since 2016. Originally the Aadhaar Centre were running at private places but later on, the Ministry of Information Technology and Communication, Government of India took a policy decision to shift the CSC Aadhar Kit to Govt. buildings. Pursuant to the same, the Centre of the petitioner had been ordered to be shifted to Govt.



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ITI Boys Ambala City. However, during the period of Covid-19, the CSC Aadhaar Kit was temporarily closed. An email was received by the petitioner on 21.10.2020 whereby he was directed to re-open the CSC Aadhaar Kit. An intimation of the said email was also sent to respondent No.5-Bhupinder Singh Sangwan, Principal ITI Boys, Ambala City, however, he did not allow access to the petitioner to the CSC Aadhaar Kit and he even manhandling the employees of the petitioner and snatched the keys from them. After medical examination of the employee of the petitioner, the matter was immediately reported to the Police but no action was taken. Complaint/representation dated 22.10.2020 were accordingly sent to respondents No.3 and 4 respectively, by the petitioner. Respondent No.5 has also moved a representation to respondent No.3 for cancellation of the CSC Aadhaar Kit of the petitioner, however, despite the said representation of respondent No.5, the petitioner was directed to open the CSC Aadhaar Kit.

3. Learned counsel for the petitioner contends that on the representation of the petitioner an enquiry was held and a letter dated 09.04.2021 was issued to respondent No.5-Principal, to explain as to why he violated the order of the Deputy Commissioner and did not allow the petitioner to open CSC Aadhaar Kit. The relevant extract of letter dated 09.04.2021 reads thus:

“To,

***Principal,
Govt. ITI
Ambala City.***

Serial number 78/DITS dated 09/04/2021



Subject:- Regarding CSC centre of Pardeep Singla.

On the above subject the Aadhaar centre of Shri Pardeep Singla which as per the orders of the Deputy Commissioner has been running at your ITI, has been closed by you, why have you violated the orders of the Deputy Commissioner. With regard to this give the reply within one week.

***Sd/- SDM-cum-Member Secretary DITS
Ambala”.***

4. It is submitted that the petitioner has been representing before every authority for being allowed to operate the CSC Aadhaar Kit and has even filed a civil suit for mandatory injunction for being permitted to operate the CSC Aadhaar Kit, but to no avail. It is further contended that respondent No.5 thereafter resorted to harassing the wife of the petitioner and after obtaining the mobile number of his wife started calling her for the works related to the Aadhaar Cards. On an objection being raised by her, respondent No.5 started harassing the petitioner as well as his wife by filing false complaints and he even sent life threatening and obscene messages to the wife of the petitioner.

5. A short reply by way of affidavit of Mr. Prashant Panwar, IAS, Deputy Commissioner, Ambala, had been filed, wherein it is stated that on receipt of the complaint, the same was enquired into by the police and it was found to be baseless and was made just to pressurize the official as respondent No.5, had initiated correspondence for closing the CSC Centre of



the petitioner. It was further averred that the complainant-Gurpreet Singh had created a false and fabricated story along with his wife and that no cognizable offence was made out. The Sub-Divisional Magistrate, Ambala City, had also inquired into the complaint of the petitioner and reported that the complaint had been filed just to pressurize respondent No.5. It was pointed that a Civil Suit titled as 'Pardeep Singla Vs. Bhupinder Singh Sangwan and Deputy Commissioner, Ambala, before the Additional Civil Judge (Sr. Divn.), Ambala, with similar averments as well as for same relief was filed which was which was dismissed as withdrawn vide order dated 16.02.2023. A reference was also made to various letters/communication sent by respondent No.5 to the Government and its agencies for shifting of the Aadhaar Centre. An enquiry was eventually conducted by the Sub-Divisional Magistrate, Ambala, who submitted a report on 16.06.2022 whereby it was found that the CSC Centre of the petitioner is inactive since August, 2021 and only 37 Aadhaar Cards had been prepared between the period from December-2018 to August-2021 in the CSC Centre of the petitioner and shifting of the said Centre was accordingly recommended by the Sub-Divisional Magistrate, Ambala.

6. A separate reply by way of affidavit dated 24.05.2023 of Mr. Ramesh Kumar, HPS, Deputy Superintendent of Police (Hqs.), Ambala, had also been filed with respect to the complaint submitted by the petitioner to the Police. In the said reply, it has been averred that the said complaint was inquired into by the local Police and during the inquiry, the MLR dated 22.10.2020 of Gurpreet Singh has been examined. Bhupinder Singh



Sangwan, Principal, ITI, Ambala, was also joined in the inquiry, during which he submitted CCTV footage of 22.10.2020 and on examination of the same it was found that Bhupinder Singh Sangwan came to the premises of the ITI at 11.23 AM and went to his office, whereas the employee of the complainant Gurpreet Singh came in the premises at 11.25 AM. It has also been seen that at 1.14 PM, Bhupinder Singh Sangwan came out from his office with Ashu (GI) and Ram Chander (Peon) and they inspected the vocational building situated in the premises of ITI and that about 1.22 PM Gurpreet Singh was wandering in a fit state of health and was seen going out of the main gate. Moreover, as per the CCTV footage, Bhupinder Singh Sangwan left the premises of ITI at about 1.14 PM and Gurpreet Singh left at about 1.22 PM and at that time he was seen going out from the premises in a fit state of health. The MLR conducted at 3/3.30 PM was stated to be manipulated and it was found that a false complaint has been filed in connivance with Reena Singla to put pressure upon Bhupinder Singh Sangwan and the staff of Government ITI.

7. A separate short reply has also been filed on behalf of respondent Nos.1 and 2, which is not required to be referred to at this stage.

8. The controversy in the present case revolves around the incident that had taken place in the premises of Government ITI (Boys), Ambala, at the behest of Bhupinder Singh Sangwan. The complaint in question has been enquired by the Sub-Divisional Magistrate as also by the Police and all the said authorities have concluded that the complaint was false and have been submitted to pressurize respondent No.5-Bhupinder



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Singh Sangwan, Principal ITI Boys, Ambala City. As a matter of fact, a detailed reference had been given by the Police to the CCTV footage and examination thereof and it has been concluded that the incident in question as alleged, never took place. Further, even though the said reply was filed on 24.05.2023 and a copy thereof was handed over to the learned counsel for the petitioner, however, no replication/rejoinder to the same was filed. Hence, the factual aspects remain undisputed.

9. Hence, the aspect as regards the manhandling and/or threats literally extended by respondent No.5 are not corroborated or substantiated in an inquiry conducted by the officials. The inquiry conducted by the respondents thus give rise to the disputed questions of fact, which cannot be determined by this Court.

10. The same thus leads to the issue that as to whether the petitioner is entitled to operate the CSC Aadhar Kit from the premises in question.

11. Upon a query raised to the learned counsel for the respondents as to whether the allotment of the CSC Centre in favour of the petitioner is still continued at the site in dispute or not and as to whether the petitioner continues to be a service provide under the said scheme for providing Aadhar services. Learned counsel appearing for respondent claims ignorance about the same.

12. Be that as it may, there is no point in keeping the present petition pending which is hence being **disposed of** with the following directions:



- (i) That in the event, the CSC Aadhaar Kit centre allotted to the petitioner has not been cancelled or the site has not been shifted to any other location, respondent No.3- Deputy Commissioner, Ambala, shall ensure that the petitioner is permitted to operate from the site so allotted to him as per the Rules; and
- (ii) In the event of the Centre having been cancelled, the petitioner shall be at liberty to avail his remedies as per law;
- (iii) In the event of Centre being shifted to some other location, the petitioner is at liberty to shift to the new site or avail his legal remedies as per law;
- (iv) Insofar as the issue pertaining to the allegations about respondent No.5 having caused beating and/or harassed the staff is concerned, there is no occasions for issuance of any direction at this stage, since the question is a disputed question of facts. The petitioner may, if so advised, take recourse to his alternative remedies as per law.

09.05.2024
Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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