



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+269

CM-15183-CWP-2024 in/and
CWP-3635-2024
Date of decision: 18.09.2024

ANIL BHALLA AND ANOTHERPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

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

Present:- Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Aditya Sharda, DAG, Punjab.

Mr. Parunjeet Singh, Advocate for respondents No.3 and 4.

VINOD S. BHARDWAJ, J. (Oral)

CM-15183-CWP-2024

For the reasons mentioned in the application, the same is
allowed as prayed for and short reply by way of affidavit of Jogeshwar
Singh Goraya, P.P.S. Deputy Superintendent of Police, Vigilance
Bureau, Unit Pathankot has been filed on behalf of respondents No.1
and 2 is taken on record.

Registry is directed to tag the same at appropriate place.

CWP-3635-2024

Prayer in the present writ petition is for seeking directions
to respondent No.2 to decide the representation dated 03.10.2023



**CM-15183-CWP-2024 in/and
CWP-3635-2024**

-2-

(Annexures P-1 and P-2) submitted by the petitioner.

Short reply by way of affidavit of Jogeshwar Singh Goraya, P.P.S. Deputy Superintendent of Police, Vigilance Bureau, Unit Pathankot has been filed. The relevant extract thereof reads thus:-

“5. That thereafter, the petitioner No. 1 filed a detailed complaint dated 03.10.2023 in the office of the respondent No. 2, Chief Director, Vigilance Bureau, Punjab, against the respondents Nos. 3 & 4 reiterating the similar allegations of harassing him and blackmailing him by demanding Rs. 02 lakh from him by filing complaints and applications under RTI Act and demanding strict action against them. The aforesaid complaint was also forwarded to the office of the Deputy Superintendent of Police, Vigilance Bureau, Unit Pathankot by the office of the respondent No. 3 for the purpose of verification of the alleged facts and submission detailed fact finding report thereafter. The detailed facts mentioned by the petitioner in his aforesaid complaint have been reproduced in the true copy of same attached with the petition as Annexure P-1, which may kindly be read as the part of the present paragraph as same are not repeated here for the sake of brevity.

6. That during the verification of the alleged facts by the petitioners in their respective complaints, the then the Deputy Superintendent of Police, Vigilance Bureau, Unit Pathankot, summoned the petitioners, the respondents Nos. 3 & 4 in compliance with the provisions of the natural justice to present their respective versions and their respective witnesses. Pursuant of the notices, the petitioners came present before him and recorded their



**CM-15183-CWP-2024 in/and
CWP-3635-2024**

-3-

respective statements but the respondents Nos. 3 & 4 did not appear and sent an email to the office of the respondent No. 2 to transfer the enquiry of the aforesaid complaints to some senior Police officer outside the districts of Gurdaspur and Pathankot.

7. That during the course of aforesaid enquiry, the petitioners presented documents and witness namely Rajeshwar Singh Salaria, Retired Deputy District Education Officer (Secondary), Pathankot in support of their allegations. The petitioner No. 2 also presented a pendrive containing the recording of his telephonic conversation with the respondent No. 3 in which the respondent No. 3 was demanding expenses incurred by him upon pursuing complaints filed by him against the petitioner No. 2.

8. That the respondents Nos. 3 & 4 did not join the enquiry proceedings despite issuance of repeated notices to him. On 06.05.2024, he appeared before the enquiry officer and sought time to record his statement on 15.05.2024 but thereafter, he did not appear to record his statement.

9. That on the conclusion of the aforesaid enquiry proceedings, the then Deputy Superintendent of Police, Vigilance Bureau, Unit Pathankot submitted a detailed report dated 28.06.2024 in the office of the Senior Superintendent of Police, Vigilance Bureau, Range Amritsar vide Memo No. 545/DSP/VB/Pathankot dated 28.06.2024 reporting therein that the petitioners could not produce any solid evidence to prove the allegations of demand of bribe by the respondent No. 3 and no evidence has come to the light to show the commission of any



**CM-15183-CWP-2024 in/and
CWP-3635-2024**

-4-

offence under the Prevention of Corruption Act, or causing of any financial loss to the Government and suggested to consign the aforesaid complaints (Annexure P-1) filed by the petitioners to the record room with a further suggestion to refer the matter to the Director, Department of Education, Govt. of Punjab for enquire into the matter at his level as matter relates to the departmental action. The true translation of the concluding paragraph of the aforesaid enquiry report dated 28.06.2024 is reproduced for the kind consideration of this Hon'ble Court as under :-

“From the digital and documentary evidence came to the fore in the present complaint, it has been found that no solid evidence has come to the light regarding the demand of bribe by the suspect Suresh Kumar, Math Lecturer from the complainant Balbir Kumar Principal. The complainant Balbir Kumar himself is asking repeatedly from the suspect Suresh Kumar to the exchange of money and the suspect Suresh Kumar definitely talks about taking of money for compromise. Even them, the suspect Suresh Kumar, Math lecturer, is putting pressurize upon the complainant by filing complaints. Which, is not covered under the scope of the P.C Act, and financial loss has been caused to the Government. Complainants Balbir Kumar, Principal and Anil Bhalla Principal have filed representations in Anti-corruption complaints at the Head Office, V.B. Punjab. During the verification of the facts of the representation, both were joined and their supplementary statements were recorded. The suspect Suresh Kumar, Math Lecturer has been called repeatedly



**CM-15183-CWP-2024 in/and
CWP-3635-2024**

-5-

to participate during verification of representations filed by him in the Head Office V.B. Punjab but he did not join the proceedings and sending emails time and again that he did not want that verification of his anti-corruption complaint be conducted by the officers of Vigilance Bureau of Gurdaspur and Pathankot and wanted that his enquiry of complaint be conducted by some IPS level officer. Nothing has come to the fore regarding the demand of bribe by Suresh Kumar, Math Lecturer from the Balbir Kumar, Principal, or Anil Bhalla Principal during the verification of their representations. So, it is suggested to consign the aforesaid representations filed by the to the record room. The complainant Balbir Kumar has already filed a complaint against Suresh Kumar Math Lecturer on the same subject to the Special Secretary, Education Department, Chandigarh. As the matter relates to the departmental action between Balbir Kumar, Principal, Anil Bhalla Principal and Suresh Kumar Math Lecturer, so it is suggested to refer the matter to the Director, Education Department, Punjab S.A.S Nagar to enquire the same at his own level. The report is being submitted in the service of your goodself with these suggestions for further action."

It is thus evident from perusal of the aforesaid reply that the representation has already been considered and the report dated 28.06.2024 has already been forwarded to the competent authority. As per the said report, no case of Vigilance is made out and the matter has already been sent to the Director, Education Department, SAS Nagar, Punjab for further action.



**CM-15183-CWP-2024 in/and
CWP-3635-2024**

-6-

In view of the aforesaid, the present writ petition has been rendered infructuous till the extent of prayer made before this Court. The petitioner may, if so advised, take recourse to his other alterative remedies in accordance with law.

**(VINOD S. BHARDWAJ)
JUDGE**

SEPTEMBER 18, 2024

Vishal sharma

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