

2024:PHHC:065409



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

235

CWP-5898-2022

Date of Decision: 09.05.2024

JASBIR RAM

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Harsh Manocha, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 and 5 to 7.

Mr. Vivek Chauhan, Advocate
for respondents No.2 to 4.

None for respondent No.8.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing constitution of a Committee to inquire into the wheat seeds subsidy scam as established from preliminary inquiry dated 17.09.2021.

Learned counsel for the petitioner contends that the petitioner, who is a farmer owning about three acres of land, had purchased two bags of 40 Kgs each containing wheat seeds from the shop run by Haryana Seeds Development Corporation (HSDC) situated at Cheeka, District Kaithal. After purchase of the two bags of seeds, the employee at the shop run by HSDC issued cash memo No.607/86 to the petitioner. The said employee was required to maintain record



of sale of wheat seeds by entering the mobile number/Aadhar Card number of the purchaser in the books.

The petitioner later came to know that some of the employees of HSDC are committing subsidy scam pertaining to selling wheat seeds bags by way of sale in the fictitious names of farmers and thereby causing huge loss to the State exchequer. The records were forged by entering additional numbers of wheat bags against the names and Aadhar Cards of the respective farmers. On coming to know about the said scam and forgery, a complaint dated 09.02.2021 was filed by the petitioner giving his complete details. The petitioner was called upon to join the inquiry proceedings on 09.03.2021 and his statement was also recorded. It was confirmed by him that he had purchased only two bags of wheat seeds, whereas in the cash memo/bill number 607/86 it had been mentioned that 20 wheat seeds bags were purchased and besides, at entry No.1446 of subsidy register, it had been recorded that 22 bags were sold vide bill No.607/86, against the name and Aadhar Card of the petitioner. Hence, the subsidy of as many as 20 bags of wheat seeds was squandered away by the employees of HSDC. It is contended that even after recording the statement of the petitioner by the department, no action had been taken or initiated against the guilty officials. A representation was also submitted to the departmental authorities and the petitioner participated in all inquiries and furnished evidence, however, no action had been taken against the erring officials.

A written statement had been filed on behalf of the respondent-Chief Manager, HSDC, wherein it had been averred that on receipt of the complaint, a fact finding inquiry was conducted and it was established that the



subsidy had been misappropriated and that the same be recovered from the defaulting officials. On the basis of said report, notice was issued to the Marketing Assistant and an advisory was also issued to the Regional Manager to keep a check on the sale records of sale counters under their jurisdiction and to avoid such situations/complaints in future.

It was specifically submitted that a reply was also received from the delinquent employees, which was not found satisfactory whereafter the regular departmental inquiry was ordered. On culmination of the inquiry, a report was furnished, wherein findings were returned in favour of prosecution by concluding that the charges were proved against the delinquent official. Accordingly, a punishment was imposed upon the delinquent official according to law.

A separate reply had also been furnished by way of an affidavit of Karam Chand, Deputy Director, Agriculture and Farmers Welfare Department, Haryana, Kaithal reiterating and admitting the factual aspects noticed above. It is submitted that subsidy payment of 20 bags had been withheld and deducted.

The counsel for the respondents contend that appropriate action has already been taken and the matter has been inquired into and that no further directions are required to be issued. He submits that the petitioner may, if so advised, take recourse to raising a separate challenge to the inquiry proceedings and punishment imposed.

Counsel for the petitioner, on the other hand, contends that the instance of subsidy scam of 20 bags of wheat seeds was only a tip of an iceberg and it required a further probe and that involvement of a large number of



persons in running such an organized crime/scam cannot be ruled out. He submits that a comprehensive detailed inquiry into the entire affairs of subsidy scam was required to be conducted so as to ascertain the total volume of misappropriation, if any. Rather, the respondents mischievously confined the scope of inquiry only to the solitary instance that had been brought to their notice and have conveniently brushed aside the role of every other person who may be involved in the case. The embezzlement of public funds by officials needed to be examined especially when forgery of record and making of false documents was undisputedly established.

Taking into consideration the contentions raised and noticing that the reply of the respondents is completely silent as regards verification of the total claims of subsidy and as to whether any checking of the same was undertaken or not, the present petition is disposed at this juncture by directing the State Vigilance Bureau to look into the matter and to conduct thorough inquiry with regard to misappropriation of the wheat seeds subsidy in the State. Further, as per the departmental inquiry, concerned official had definitely carried out forgery of the Government record. There is no explanation put forth by the respondents as to why criminal action against such forgery by the official has not been taken by the respondent-Department. The State Vigilance Bureau is directed to look into whether a criminal case, in respect to the act of forgery committed by the concerned official(s), is made out or not and to take appropriate steps. It shall also inquire into the remaining aspects as highlighted above.

Petition stands disposed of accordingly.



Let a compliance report be filed before this Court within a period of six months of the receipt of certified copy of this order.

MAY 09, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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