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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:056153

CWP-9344-2024

Date of Decision: 25.04.2024

Udheraj Singh Gill

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing the order date 18.04.2024 (Annexure P-7) passed by respondent No.6- Block Development and Panchayat Officer, Ludhiana-2 vide which petitioner has wrongly and illegally been directed to deposit an amount of Rs.18,06,816/- into the account of the Panchayat without initiating any proceedings of recovery under the provisions of Section 216 of the Punjab Panchayati Raj Act, 1994 and with a further prayer for quashing the order dated 12.04.2024 (Annexure P-6) passed by respondent No.3- Joint Director (RD), vide which direction was issued to respondent No.6 that Government funds have been misappropriated, so amount of Rs.18,06,816/- shall be recovered from the petitioner, whereas, respondent No.3 was not authorized to pass any such order as only the Block Development and Panchayat Officer is authorized to initiate proceedings under Section 216 of the Punjab Panchayati Raj Act. Further prayer has been made to direct the respondents to complete the proceedings for recovery as the enquiry report dated 28.06.2023 (Annexure P-1) given by respondent No.4 is not the final enquiry report. It is further prayed that operation of impugned orders (Annexures P-6 and P-7) be stayed.

2. It has been submitted by learned counsel for the petitioner that the petitioner has demitted the office recently and soon thereafter, he has been

issued with the impugned notice, wherein, he has been directed to deposit an amount of Rs.18,06,816/-. He submits that the order passed was passed on 18.04.2024 and the petitioner has been given only one day time i.e. 19.04.2024 to deposit the said amount. He submits that the order passed is totally malafide and arbitrary.

3. Notice of motion.
4. Mr. Navneet Singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. He has submitted that against the impugned order, the petitioner has an alternative remedy of filing an appeal before the District Development and Panchayat Officer.
5. Learned counsel for the petitioner has fairly submitted that he may be allowed to withdraw the present petition with liberty to the petitioner to avail the remedy of filing the appeal raising all the grievances raised in the present petition before concerned authority.
6. In view of the submissions made above, it is apparent that against the impugned order, there lies a remedy of filing an appeal before DDPO.
7. The present petition is dismissed as withdrawn with liberty as prayed for. If any such appeal is filed by the petitioner within a period of one week from today, then learned Appellate authority would decide the same expeditiously in accordance with law.
8. No coercive action shall be taken against the petitioner till the decision of the appeal to be filed by the petitioner.

25.04.2024
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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No