

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

2024:PHHC:138588-DB



(122)

LPA-1941-2024

Date of Decision: 22.10.2024

Retired Municipal Employees Welfare Association

--Appellant

Versus

State of Punjab & others

--Respondents

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

Present:- Mr. Peeush Gagneja, Advocate for
the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

G.S. SANDHAWALIA.J (Oral)

1. The present appeal is directed against the order dated 02.05.2024 passed by learned Single Judge in CWP-24987-2019, whereby the learned Single Judge has disposed of the writ petition as having been rendered infructuous with liberty to the petitioner to take recourse of the alternative remedies, in accordance with law, if, so advised against the punishment imposed by the competent authority.

2. The writ petition was filed seeking to take appropriate action against the erring officials and subordinate staff of Urban Local Bodies, Punjab with regard to serious allegations of embezzlement and forgery etc. Resultantly, the action was sought on various representations which had been preferred. Learned Single Judge vide detailed order has noticed that the recommendations were made by the Vigilance Bureau, Punjab regarding the excess payment made and various other misconducts and the fact that a

vigilance enquiry No.7 dated 27.03.2015 with regard to the allegations levelled by the appellant herein pertaining to wrongful refund of cheque of Rs.26 lakh to M/s Mehndi Mac Pvt. Ltd. One more complaint regarding tampering with the conditions of auction of shops was also examined by the Vigilance Bureau in Complaint No.39/15 and a detailed enquiry was also conducted. A finding was recorded vide enquiry report dated 27.01.2016. A report had also been received from the Regional Deputy Director, Local Audit recommending for taking action against the erring officials. On the basis of the said reports, same were forwarded by the competent authority to the Director, as the Chief Vigilance Officer of the department, had made recommendations against various officials, who were having designations of Clerks, AME, Executive Officer, Accountant etc. It was noticed that charge sheets had also been issued against the erring officials for major penalty under Rule 8 of the Punjab Civil Service (Punishment and Appeal) Rules, 1970 on 17.10.2018. A report was also sought from the Commissioner, Municipal Corporation, Abohar on 25.11.2021 as regards returning of the cheque of Rs.26 lakh and a report was received that the requisite fee had already been submitted. Directions had also been issued for effective recoveries from the concerned officials and suitable action on the complaint submitted by the petitioner, which was duly enquired by the Chief Vigilance Officer of the Department, having been taken and punishments imposed upon the erring officials, led to the disposal of the writ petition.

3. It was noticed by learned Single Judge that no replication or rejoinder controverting the above said facts had been filed by the petitioner-Association and therefore the learned Single Judge came to the conclusion

that initiation of action against the erring/defaulting officials had been taken and orders had been passed, the question of sufficiency of the punishment of the employees, could not be examined and therefore the writ petition was disposed of as having been rendered infructuous.

4. We have heard learned counsel for the appellant.

5. It is pertinent to notice here that since the year 2019 no specific employee or officer was arrayed as respondent on the basis of the material placed on record before the learned Single Judge and the affidavits keeping in view the fact that what action would be taken, as per the pleadings made in the petition. Having recorded the satisfaction in the manner the official respondents have conducted their affairs regarding the delinquent officials, learned Single Judge has disposed of the matter. The argument now raised that the recoveries should have been effected from the said employees specially in the absence of such persons who were not arrayed as respondents in the writ petition is not likely to be acted upon. The matter pertains to the service conditions of employees covered by rules and the appellant-Association cannot sit as a superior disciplinary authority, over the departmental affairs.

6. Without even impleading the necessary officials as respondents, no directions, which are now sought, can be issued as the same would amount to violation of principles of natural justice.

7. We are of the considered opinion that the matter requires a closure as learned Single Judge has rightly observed that the official respondents have duly taken action on the basis of the averments made by looking into the allegations including the vigilance reports and apart from initiating proceedings on the departmental side by putting cuts on pension

also.

8. Under such circumstances, no further orders are required to be passed and the present appeal is, accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

22.10.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No