



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

224

CWP-19642-2021

Date of decision: 15.07.2024

KRANTIKARI KISSAN UNION AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: - Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Harsh Aggarwal, Advocate
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab
for respondents No.1 to 5.

Mr. Sanpreet Singh Brar, Advocate
for respondents No.6 and 7.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the orders dated 12.08.2021 and 17.09.2021 to the extent whereby the respondent No.7 has been promoted. A further prayer has been made for seeking directions to the official respondents to conduct a departmental enquiry and to initiate appropriate proceedings against respondents No. 6 and 7.

2. The petitioner is the Kisan Union approached this Court alleging that the officials in the Department of Animal Husbandry and

dairying have falsified the record and have been negligent in keeping a stock of the HS Vaccine. It is contended that the Hemorrhagic Septicemia (HS) is a bacterial disease which affects Cattle and Buffaloes and is a major cause of livestock mortality. Another contagious disease is the 'foot and mouth disease'. The livestock is required to be vaccinated from both these diseases from time to time. The vaccine for Hemorrhagic Septicemia known as HS Vaccine and the foot and mouth disease-known as FMD Vaccine are required to be preserved at a temperature of 4 to 8 Celsius failing which the vaccine is likely to lose its potency. He contends that in April, 2021, the respondent No.6, who was the Senior Veterinary Officer, was given additional charge of the post of Deputy Director, Animal Husbandry, Punjab. HS Vaccine was provided by Deputy Director, Punjab Veterinary Vaccine Institute on 05.04.2021 and the same was received by respondent No.6 at about 4:30 p.m. on the same day for further distribution to various Civil Veterinary Hospitals and Dispensaries within the District Ferozepur.

3. Learned Senior Counsel appearing on behalf of the petitioner submits that instead of keeping the HS Vaccine stock in the Refrigerator of the store room, it was kept in the office of the Deputy Director, Animal Husbandry by keeping the Air Conditioner on. In the intervening night of 5/6.04.2021, the AC in the office of the Deputy Director caught fire due to short circuiting which damaged the AC panel, PVC paneling and sofa lying therein. The said fire was noticed in the morning but no efforts were made by the respondents to inform the Police and fire brigade or the local administration. As a result of the fire, the HS vaccine stock got spoiled and was smoke stained due to high temperature. The vaccine was, however, hurriedly removed from the room and shown in the records to have been

distributed to the Civil Veterinary Hospitals and Dispensaries on 05.04.2021 itself i.e. in a back date, by tampering in the official record to safeguard themselves. Thereafter, an intimation was sent about the damage to AC, Sofa & PVC paneling on 06.04.2021 due to the incident of fire.

4. It is submitted by the learned Senior Counsel that that when the petitioners came to know about the incident, the matter was brought to the notice of the Deputy Commissioner, Ferozepur vide representation dated 09.04.2021 on which an enquiry report was called for by the Additional Deputy Commissioner vide letter dated 09.04.2021. A report dated 15.04.2021 was thereafter submitted by respondent No.6 which was a self-serving report denying the incident of fire and/or damage to the vaccine stock. Against the attempt by the officials to hush up and bury the entire issue, the petitioner made a subsequent representation to the Principal Secretary vide E-mail dated 20.04.2021 on which the Director, Animal Husbandry, Livestock Complex was directed to conduct an enquiry and to submit his report vide letter dated 20.04.2021. Since the Deputy Director was on leave, Dr. Kulwant Singh, Research Asstt. was given the additional charge of the said post and was called upon to furnishing an enquiry report. The said Research Asstt.-cum-Deputy Director-cum-Enquiry Officer recorded the statements of various Officers including the statements of respondents No.6 and 7 recorded and also of the members of the petitioner-Association. He submitted an interim enquiry report dated 26.04.2021 which was inconclusive and awaited final outcome of the reports that were then yet to be received with respect to potency and validity of the vaccine. However, in the meanwhile charge of the post of Deputy Director and Animal Husbandry was given to one Dr. Krishan Kumar, Senior Veterinary Officer,

Ferozepur. An E-mail dated 14.06.2021 was sent by Dr. Krishan Kumar to the Director, Animal Husbandry, Livestock Complex to replace 30,000 doses of HS Vaccine on the ground that the same was spoiled in the fire incident. On the basis of the aforesaid E-mail, the Director approved issuance of a fresh lot of 30,000 HS Vaccines vide Office Order dated 21.06.2021. However, yet another Enquiry Committee was constituted comprising of four members to submit a report about the said incident. Two members of the said Committee submitted their report on 04.06.2021 and concluding that there were lapses on the part of the officials and the incident took fire had actually taken place. The said report by the two members of the Committee also shows the loss of 30,000 doses of HS Vaccine. The above said report Annexure P-18 was, however, not accepted by the respondent-State, as per the office Order dated 11.06.2021, on the ground that only 03 members had associated in the enquiry and even amongst them, one of the member kept himself away from the Committee due to different opinion. The fourth member of the Committee was Corona positive and he never joined the proceedings. The report was held to be not consensual and having not been signed by all the three members, was not accepted. Thus, the said report dated 04.06.2021 pointing out the lapses on the part of the officials respondents was disregarded. No separate report was filed by the fourth member. He further argues that the test reports with respect to the potency of the vaccine was received by Dr. Kulwant Singh, Research Assistant and a supplementary report was thereafter filed as per which it was admitted by the respondents that the vials had failed in their potency test and were thus useless.

5. Learned Senior Counsel appearing on behalf of the petitioners contends that repeated enquiries have been conducted in to the incident. The officials of the respondent-Department have acknowledged the incident of fire and of the vials having been stained, however, the record pertaining to the incident was fabricated to cover up the lapses by the respondents. He submits that at this juncture he would be satisfied in case the respondents are directed to conduct an independent enquiry into the incident of fire and then to take appropriate action against the erring officials, on the basis of the outcome of the enquiry report.

6. Even though the State made an attempt in opposing the prayer by referring to some reports denying the occurrence of the incident but she is not in a position to dispute that the first report denying the incident was sent by respondent No.6 himself. The same was hence a self serving report as there was no way that he would submit an incriminating report. State is also not in a position to dispute the demand sent by the subsequent Deputy Director for fresh stock of Vaccine due to damage caused by fire and the approval granted. The factum of the Vaccine having failed in potency test is also not denied. Besides, the 2 members of the Committee submitted their report about the incident. State is not in a position to conclusively rely on any one of the reports as the final and admissible report.

7. Taking into consideration, the conflicting reports by various members as also the contemporary correspondence exchanged between the parties, I am of the opinion that the prayer made by the petitioner cannot be said to be mis-conceived or ill-founded. An incident of such a magnitude actually needs to be inquired into for ascertaining the truth and to determine the administrative/criminal lapses, if any, on the part of the erring officials.

8. The present writ petition is accordingly disposed of at this juncture with a direction to the Office of Director Bureau of Investigation to conduct an enquiry into the said incident of fire in relation to storage of HS & FND vaccines in the office of Deputy Director, Animal Husbandry, near Zila Parishad Office, Ferozepur and with respect to the administrative as well as criminal lapses, if any including forging of official records.

9. Needless to mention that in an event of determination of the culpability/administrative lapses on the part of the officials, in the said enquiry, which is to be conducted by the Bureau of Investigation, the competent authority viz. respondent No.1 shall take appropriate remedial steps and action.

10. Let the enquiry be conducted by the Office of Director Bureau of Investigation within a period of six months of the receipt of certified copy of this order.

11. All the pending miscellaneous application(s), if any, are also disposed of.

JULY 15, 2024

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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