

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

214

CWP-18181-2018  
Date of Decision: 27.02.2024

AKHIL BHARTIYA GAUSHALA (REGD.)

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

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

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Present: Mr. Atul Lakhanpal, Sr. Advocate with  
Ms. Caral, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana  
for respondent No.1.

Mr. Vivek Chauhan, Advocate  
for respondent No.2.

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VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to release the payment in lieu of 129 cattle left under the care and custody of the petitioner by respondent No.2.

Counsel for the respondent No.2-Municipal Committee, Kalanaur has made a reference to the communication dated 12.11.2020 as per which the Municipal Committee contended that since it could not carry out the verification of the animals left in Gaushala, they are no more liable to make payment after 18.09.2020.

The above stand is in conflict with the facts stated in the affidavit filed on behalf of the Municipal Committee, Kalanaur on 15.04.2022, wherein it had itself acknowledged that an amount of Rs.4,32,850/- for the period w.e.f.

13.09.2020 to 12.04.2022 is outstanding. Thus the communication dated 12.11.2020 has no further force once the Secretary of the Committee has himself stated in an affidavit filed before this Court on 15.04.2022 that the liability after 13.09.2020 till 12.04.2022 is to the tune of Rs.4,32,850/-. Hence, the objection raised by the respondent-Municipal Committee, Kalanaur for being unable to verify the cattle left by them in Gaushala is apparently a false plea. Once a liability is acknowledged by the respondents and there is no evidence on record to suggest that the respondent-Municipal Committee, Kalanaur had withdrawn the cattle left at the Gaushala at any specific point of time, the respondents shall remain bound and would be liable to compensate the petitioner herein in terms of the agreement executed between the parties.

Under the given circumstances, the respondents are directed to defray the liability in terms of agreement executed between the parties till the period that the cattle left by the respondent-Municipal Committee, Kalanaur are withdrawn and/or shifted to some other place by the Municipal Committee, Kalanaur. The same be determined by the Authority as well. The undisputed amount of Rs.4,32,850/- as per the affidavit dated 15.04.2022 be released in favour of the petitioner within a period of four months from today, if not released already. The liability for the subsequent period shall also be re-ascertained within a period of two months from the date of receipt of certified copy of this order and the same shall also be released within a period of four months thereafter.

The Director, Local Urban Bodies is further directed to carry out a departmental inquiry as regards the failure to follow the procedure by the responsible officer of the Municipal Committee, Kalanaur, before a cattle is left

at a Gaushala and as to whether the requisite procedure had been followed or not. He shall also re-determine the mortality of the cattle which was left at the Gaushala and ascertain the total number of cattle that may still be alive as against the cattle deposited by the Municipal Committee, Kalanaur with the petitioner's Gaushala. The requisite exercise shall be undertaken within a period of three months from the date of certified copy of this order. In the event of any loss having been caused to the Government, as a result of inaction/carelessness on the part of the employee(s) of the Municipal Committee, Kalanaur, departmental proceedings be initiated by the Director, Urban Local Bodies concerned against the erring official(s)/officer(s) and the losses sustained, if any, may be recovered from such official(s)/officer. A compliance report in this regard be filed before this Court within a period of six months from today.

Petition stands disposed of accordingly.

FEBRUARY 27, 2024  
*rajender*

(VINOD S. BHARDWAJ)  
JUDGE

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No