

CWP-20869-2017

Date of Decision : 30.01.2024

Om Parkash

...Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present writ petition is for seeking direction to the respondents to take legal action/departmental action against the persons allegedly responsible for causing loss to the tune of Rs.5,70,000/- to the Government of Haryana in terms of the enquiry report dated 13.01.2017 directed by the Sub Divisional Officer (Civil) Kalayat.

Vide order dated 14.11.2022, the State Vigilance Bureau, Haryana, Panchkula had been directed to enquire into the matter and to submit its report.

In compliance with the said order, report by way of affidavit of Sh. Rajesh Phogat, HPS, Superintendent of Police, Anti Corruption, Bureau, Ambala Range, Ambala has been filed. It has been averred in the said report that the matter was enquired into after obtaining copy of the relevant record from the Department and associating the Executive Engineer, Anti Corruption Bureau, Haryana in the office of Director General, Anti Corruption Bureau, Haryana. The site inspection was conducted on 30.01.2023 alongwith ASI

CWP-20869-2017

-2-

Sunil Kumar, Anti Corruption Bureau Kaithal Unit and in the presence of District Fishery officer, the Sub Divisional Officer, the petitioner as well as the Panch and a detailed technical opinion/assessment report was obtained on 09.02.2023.

Upon consideration of the technical opinion/assessment report, it was concluded that excavation for construction of pond for fisheries was carried out in the year 2015 and it would not be possible to ascertain the actual work done. Verification was thus, done on the basis of available record. The mutually contradictory reports submitted by the Sub Divisional Officer (Civil) Kalayat and the Department of Fisheries were also taken into consideration.

The procedure followed for preparation of the excavation of the existing land, the estimated sanctions and various administrative approvals were accorded including the finalization and determination of bids, the short listing of the bidders/tendering and verification held out during the period including satisfactory completion of work, it was concluded that there was no financial embezzlement and the Department had adopted due procedure for excavation of the pond by taking initial levels of existing bed and final levels of the excavated depth required for fisheries development.

Since an independent enquiry into the matter has been conducted by the Vigilance Bureau and they did not find any financial irregularity, no further directions can be issued in the present petition. The same is accordingly dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

January 30, 2024
ps

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