

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28195-2024 (O/M)
Date of decision : 19.10.2024

Vedpal Petitioner(s)

Versus

State of Haryana and others Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Narender Kajla, Advocate
for the petitioner(s).

Mr. Randhir Singh, Additional A.G. Haryana.

HARSH BUNGER, J. (ORAL)

1. Petitioner (Vedpal) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the report dated 24.01.2024 (Annexure P-7), by Lokpal, Mahatama Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA). A further prayer has been made for issuance of an appropriate writ, order or direction to take legal action against private respondents for embezzlement/misappropriation of public funds allotted in the MGNREGA Scheme.

2. Briefly, petitioner submitted a complaint dated 29.11.2023 (Annexure P-6) in the C.M. Window, Complaint Branch Office of District Rural Development Agency, Hisar; alleging embezzlement of Government fund by the Sarpanch of village Mirzapur, Tehsil and District

Hisar, in collusion with respondent No. 5 (Om Parkash) and other officials.

2.1 It transpires that the aforesaid complaint of the petitioner was assigned to Lokpal, MGNREGA, who conducted the inquiry and submitted his report dated 24.01.2024 (Annexure P-7), holding that the complaint was baseless.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for the relief(s), as noticed above.

4. Learned counsel for petitioner submits that the Lokpal, MGNREGA has not conducted proper inquiry against respondents No. 4 and 5 and has wrongly held the complaint to be baseless. It is submitted that while uploading the photographs on the portal NREGA Mobile Monitoring System (NMMS) of employees working there, in the Muster Roll No. 127; photographs of labourer Balbir Singh and Hira Lal were uploaded, whereas they were not working there on the site, thus, by this way, the Sarpanch in collusion with officials embezzled the Government money by showing fake attendance of the labourers in the muster rolls. It is further contended that even in construction work, lower standard materials like bricks, cement etc. have been used. Learned counsel for petitioner further refers to an affidavit dated 19.02.2024 (Annexure P-8) of Shri Manoj to submit that no labour work was taken by him from labourers Raj Kumar and Balbir Singh on 12.03.2023. It is thus contended that the inquiry conducted by Lokpal, MGNREGA was only an eye wash.

5. On the other hand, learned State counsel, who appears pursuant to advance copy of writ petition served upon State; has opposed the submissions made by learned counsel for petitioner by submitting that the allegations made by petitioner have already been inquired into by Lokpal, MGNREGA and the same were found to be baseless, therefore, the petition is without any merit; which may be dismissed.

6. I have heard learned counsel for the parties and have also perused the paperbook with their able assistance.

7. Apparently, the allegations made by the petitioner have been inquired into by Lokpal, MGNREGA and finding the complaint as baseless, the same has been recommended to be consigned to the record. All the contentions raised on behalf of the petitioner in the present civil writ petition have been duly considered by the Lokpal, MGNREGA by referring to the relevant record. The relevant extract of the inquiry report reads as under :-

“Result:- While examining the record and statements, it has been found that the complainant Ved Pal son of Shri Baldev Singh, R/o village Mirzapur, the enquiry has to be conducted on the three points of the complaint :-

Point No. 1 – The complaint from dated 04.03.2023 to 19.03.2023 has deputed fake labours Shri Balbir son of Sohan Lal and Raj Kumar son of Shri Gopi Ram whose names were not available in the muster-roll. On enquiry, it has been found that Balbir son of Shri Sohan Lal as per muster-roll No. 6410 worked for total 14 days and on dated 12.03.2023 for one day, he worked on the path of field of Shri Manoj son of Shri Surab Bhan. Raj Kumar son of Shri Gopi Ram in the above work under MGNREGA neither done any work nor received any

payment which has been established in muster-roll No. 6410.

Point No. 2 – The muster-roll issued by the complainant from dated 29.04.2023 to 14.05.2023 has marked fake attendance in the muster-roll No. 127 and in NMMS MGNREGA, the photos pertain to some other persons and the names are of some other persons. After conducting enquiry of the record, it has been found that Shri Hiramal son of Shri Kapur Singh under MGNREGA have neither done any work nor received any payment.

Point No. 3 – The photo sent by the complainant is of pucca work and in the above work, cheap quality of 2-3 type bricks have been used, regarding this it has been found in the enquiry that the photo submitted by the complainant that neither contains name of the work, date and gram panchayat has been shown. The Sarpanch submitted the test report and the statements of farmers adjoining to the path. On the basis of above statements and record, the complaint has been found to be baseless and fruituous. Hence, the complaint is recommended to be consigned to the office record.”

7.1 Learned counsel for petitioner has failed to dislodge the observations made in the inquiry report, submitted by Lokpal, MGNREGA.

7.2 The reliance upon an affidavit dated 19.02.2024 (Annexure P-8), submitted by one Shri Manoj also does not inspire confidence as the said affidavit has been obtained after the submission of the inquiry report dated 24.01.2024 (Annexure P-7). It appears that the instant civil writ petition has been filed by the petitioner with some oblique motive or on account of party faction in the village.

8. In view of the above discussion, I do not find any merit in the instant civil writ petition and the same is accordingly dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

19.10.2024
sjks

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