



CWP-35148-2024

-1-

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

114

CWP-35148-2024

Date of decision: 23.12.2024

SEEMA RANI

....PETITIONER

Vs.

**BHAGAT PHOOL SINGH MAHILA VISHWAVIDYALAYA AND
ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.P. Kaushal, Advocate and
Mr. M.S. Chauhan, Advocate
for the petitioner.

Mr. Birender Singh Rana, Senior Advocate with
Mr. Karanbir Singh Kahlon, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of departmental proceedings initiated against her.

2. Mr. Karanbir Singh Kahlon, Advocate has put in appearance on behalf of respondents and filed Power of Attorney, which is taken on record. Registry is directed to tag the same at an appropriate place.

3. The petitioner is working as clerk with respondent No. 1-Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur Kalan, Sonipat. She was assigned job of cashier in 2016 and at that point of time receipts were issued manually. The Authorities detected scam of more than Rs. 40,00,000/-. The respondent initiated an inquiry against suspected persons including petitioner. As



per inquiry report dated 31.03.2021 (Annexure P-1A), petitioner-Seema Rani as well as Rakesh Kumar, Ajay Kumar Malik, Ved Prakash Dua and Satish Kumar, apart from many others were responsible for embezzlement and misappropriation of University funds. It was also found that petitioner was major beneficiary of scam along with Financial Officer and Accounts Officer. The conclusion drawn by Inquiry Officer along with his recommendations is reproduced as below:-

“CONCLUSION:

In view of above factual position, the following conclusion emerges in the case:

- 1. The FO, Shri Rakesh Kumar masterminded the alleged scam in the Accounts Branch of the University and in his said misconduct and misdeamnoun, S/Shri Ved Prakash Dua, AO, Ajay Kumar Malik, Computer Assistant and Satish Kumar, Clerk (outsourced) colluded and abetted the embezzlement and misappropriation of the University money in its Accounts Branch.*
- 2. Smt. Seema Rani, Clerk has been major beneficiary in the scam along with the FO and AO.*
- 3. Smt. Geeta Rani, Clerk, Shri Jaiteerath, Clerk, Shri Parveen ITI trainee, Smt. Babita, Clerk, Ms. Pooja OMCA trainee and Mrs. Jyoti, Clerk were fully aware about what was happening at the income receipt seat and were actually acting as agents and accomplices of the FO and the AO. During the leave period of Smt. Seema Rani, Clerk, income receipts worth Rs.4,86,415/- have been found cancelled on the system through above officials at the computer system and the said amount is required to be recovered from them and those with whom they connived in the scam.*
- 4. The amount of Rs. 26 lakh recovered from the proven culprit Smt. Seema Rani, Clerk belongs to the University and she deserves nothing back out of it.*

RECOMMENDATIONS:

- (a) *Appropriate legal action may be taken by the University Authorities against the then Finance Officer Shri Rakesh Kumar, Accounts Officer Shri Ved Prakash Dua, Computer Assistant Shri Ajay Kumar Malik, Clerk (outsourced) Shri Satish Kumar and Clerk Smt. Seema Rani on account of their deceitful roles in the alleged scam in the Accounts Branch of the University.*
- (b) *Strict disciplinary action may be initiated against the officials named in para 3 above for their grave misconduct and dubious roles in the scam.*
- (c) *Mrs. Seema Rani, Clerk is unfit for the University job and hence strict disciplinary action may be initiated against her for appropriate action in the context.*
- (d) *The University Authorities, by adopting appropriate means, may try to ascertain and recover the misappropriated / embezzled University money, if any, pertaining to the period starting from the date of installation of the alleged software on the computer system in the Accounts Branch and upto 31.03.2019.”*

4. The respondent after completing inquiry, served charge-sheet upon the petitioner. She preferred CWP-15742 of 2023 before this Court seeking setting-aside of charge-sheet as well as consequent proceedings. The respondent during the pendency of aforesaid petition withdrew charge-sheet and petitioner opted to withdraw her petition, accordingly this Court vide order dated 06.09.2023, dismissed the petition as withdrawn with liberty to submit reply so that proceedings may be concluded in accordance with law. The order dated 06.09.2023 passed by this Court is produced as below:-

“1. Petitioner (Seema Rani) has filed the instant petition under Articles 226/227 of the Constitution of India seeking issuance of a



writ, order or directions in the nature of certiorari for setting aside ex parte departmental proceedings taken up against the petitioner, including the enquiry report dated 26.10.2022 (Annexure P-7) as well as show cause notice dated 04.07.2023 (Annexure P-8) issued by respondent No.2, whereby punishment of removal from service proposed to be imposed upon the petitioner has been conveyed. A further prayer has been made for staying the operation of show cause notice dated 04.07.2023 (Annexure P-8) during the pendency of this petition.

2. *At the outset, learned counsel for the petitioner submits that the instant petition has become infructuous as the show cause notice issued to the petitioner has been withdrawn vide Reference No.1901 dated 05.09.2023 and the University has also supplied copies of enquiry report dated 26.10.2022 and letter dated 25.03.2023 to the petitioner, providing her an opportunity to submit reply, so that further proceedings may be initiated, in accordance with law.*

3. *Learned senior counsel appearing for the respondents does not dispute the aforesaid submissions made by learned counsel for the petitioner.*

4. *At this stage, learned counsel for the petitioner submits that she may be permitted to withdraw the instant petition.*

5. *Keeping in view the aforesaid submissions made by learned counsel for the parties, the present petition is dismissed as withdrawn with the liberty aforesaid.”*

5. The respondent permitted the petitioner to inspect the record and thereafter supplied requisite documents. The respondent issued fresh show cause notice proposing punishment. The petitioner filed reply to said show cause notice. The matter is pending before Disciplinary Authority for final adjudication.



6. Mr. A.P. Kaushal, Advocate submits that inquiry was conducted in the absence of petitioner and she was not supplied requisite documents, thus, entire inquiry is vitiated. It is bad in the eye of law and this Court should set-aside proceedings conducted by Inquiry Officer as well as subsequent proceedings.

7. Mr. Birender Singh Rana, Senior Advocate submits that petitioner joined inquiry and she was supplied all the requisite documents. She was permitted to inspect the record and thereafter documents were supplied to her. There is no question of violation of principles of natural justice. The petitioner has already filed reply to show cause notice.

8. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

9. Concededly, an FIR against the petitioner and her accomplice has been registered. She was arrested and remained in custody. She has deposited a sum of Rs. 26,00,000/- with respect to embezzled amount. The respondent has conducted inquiry and thereafter issued show cause notice. The petitioner has already filed reply to show cause notice and matter is pending for final adjudication.

10. The petitioner, as noticed hereinabove, on the earlier occasion, approached this Court seeking setting-aside of show cause notice. The show cause notice was withdrawn by respondent, however, report of Inquiry Officer was not withdrawn. The petitioner opted to withdraw her writ petition with liberty to file reply. Neither this Court set-aside Inquiry Report nor petitioner at that stage, sought liberty to assail report of Inquiry Officer. The petition was dismissed as withdrawn with the observation that petitioner has already been



supplied copy of Inquiry Report and she is at liberty to file reply so that proceedings may be initiated in accordance with law.

11. The petitioner after her release from judicial custody was granted opportunity of hearing by Inquiry Officer. She has been served fresh show cause notice and given opportunity to file reply. She has already filed reply and matter is pending at the adjudication stage.

12. From the perusal of different reports, it is evident that petitioner is involved in embezzlement of University Funds. The Authorities have initiated departmental proceedings and a criminal case is also pending against her. In such circumstances, it would not be just and fair on the part of this Court to intervene and stall departmental proceedings. This Court is sanguine of the fact that Disciplinary Proceedings would proceed in accordance with law. The petitioner would certainly get opportunity to prefer appeal/review/revision, as permissible by law against any adverse order passed by Disciplinary Authority.

13. Dismissed.

14. It is made clear that any observation made by this Court would not be construed as opinion of this Court on merits.

23.12.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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