

151 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13139-2025 (O/M)

Date of decision : 21.05.2025

Sadhu Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Jitender S. Chahal, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondents for getting an inquiry conducted from some senior officer not below the rank of Deputy Commissioner as regards embezzlement of gram panchayat funds by Gram Sachiv, Village Pabni Kalan, District Yamuna Nagar and also Block Development and Panchayat Officer, Bilaspur, District Yamuna Nagar.

1.1 A further prayer has been made for taking departmental as well as criminal action against Gram Sachiv and Block Development and Panchayat Officer on the basis of inquiry dated 07.12.2020 (Annexure P-6).

2. When the matter was listed for hearing before this Court on 08.05.2025, learned State counsel had sought time to inform as to the

action taken in pursuance to the inquiry dated 07.12.2020 (Annexure P-6).

3. Today, learned State counsel has drawn the attention of this Court to an order dated 29.01.2021 (Annexure P-12), passed by Collector, Yamuna Nagar, the relevant extract of which reads as under :-

“ Regarding the above subject, a complaint dated 09.03.2020 was given by Sh. Sadhu Ram son of Sh. Mam Raj, r/o village Pabani Kalan, Block Bilaspur, District Yamunanagar vide which a complaint for embezzlement by withdrawing money from panchayat fund and by giving false information after preparing false documents without record. This complaint was marked to City Magistrate, Yamunanagar for inquiry.

City Magistrate, Yamunanagar has sent an inquiry report to this office vide its office letter Sr. No. 187/Steno dated 07.12.2020 and 188/Steno dated 07.12.2020. As per inquiry report of Inquiry Officer, report was taken from Account Officer of the office of Collector Yamunanagar on the points mentioned in the complaint. According to which Sh. Rajesh Kumar, Gram Sachiv is proven guilty. On the basis of report of Inquiry Officer, clarification was issued to Sh. Rajesh Kumar, Gram Sachiv vide this office letter Sr. no. 76/Panchayat dated 08.01.2021.

Sh. Rajesh Kumar, Gram Sachiv replied to its clarification on 13.01.2021 vide which Sh. Rajesh Kumar has submitted that cheque no. 132 dated 17.06.2015 amounting to Rs. 25,000/-, cheque no. 133 dated 24.06.2015 amounting to Rs. 25,000/- has withdrawn by Sarpanch through self and this amount was withdrawn for payment of labourers for development works and their Muster Roll amounting Rs. 24,880/- and Rs. 27990/- has been mentioned at page Sr. No. 54 of cash book and same amount was

withdrawn through self cheque. The amount which have been withdrawn for meeting expenditure, same used to be mentioned in cash book. Self cheque is not recorded in cash book by any Panchayat. Beside this vide cheque no. 134 dated 17.08.2015, an amount of Rs. 25,000/- has been withdrawn to self cheque to pay the payment of amount of Rs. 24,947/- of Muster Roll as per MB. Entry of amount of Rs. 24,987/- of Muster Roll has been mentioned at page 56 of cash book. Beside this payment of 3000 bricks, which was purchased for Rs. 15,750/- has also been entered stock register as per MB. That expenditure for preparation of Map of Abadi Deh prepared by Panchayat was also approved by Administrator as per Resolution No. 1 dated 20.08.2015 in proceedings book.

On the reply to the clarification given by Sh. Rajesh Kumar, Gram Sachiv, comments were sought from Block Development and Panchayat Officer, Bilaspur vide this office letter no. 227/Panchayat dated 18.01.2021. Block Development and Panchayat Officer, Bilaspur submitted his comments through his office letter no. 396 dated 19.01.2021 vide which it has been written by the Block Officer that according to record, no case of misuse of Panchayat funds has been made out against Sh. Rajesh Kumar, Gram Sachiv.

Therefore, as per comments given Block Development and Panchayat Officer, Bilaspur in response to clarification issued by Sh. Rajesh Kumar, Gram Sachiv on the basis of inquiry report of City Magistrate, Yamunanagar, no case of misuse of Panchayat funds is made out against Sh. Rajesh Kumar, Gram Sachiv.

Therefore, the complaint received against Sh. Rajesh Kumar, Gram Sachiv is filed.”

3.1 A perusal of above extracted order dated 29.01.2021 (Annexure P-12) would show that the inquiry report (Annexure P-6),

submitted by City Magistrate, Yamuna Nagar, was considered by learned Collector, Yamuna Nagar and after seeking report from the concerned quarters, it has been concluded that no case of misuse of panchayat funds has been made out, accordingly, the matter was closed.

4. Keeping in view the above, once the matter has already been dealt with by learned Collector, Yamuna Nagar and no case of misuse of panchayat funds was found and neither the petitioner has laid any challenge to order dated 29.01.2021 (Annexure P-12), passed by learned Collector, Yamuna Nagar, no relief can be granted to the petitioner on his bald plea that the matter be got inquired into again.

5. In view of the above, I find no merit in this petition and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

21.05.2025
sjks

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