



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

CWP-PIL-190-2024

Date of decision : 29.01.2025

Raj Karan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ajay Vijarania, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition has been filed as a PIL raising the alleged public cause that without following the due process of transparency in the development works carried out by Panchayati Raj Institutions, the State of Haryana has issued revised guidelines dated 09.07.2024 vide Annexure P-7, allowing Panchayats to undertake development works upto Rs. 21 lakh, without following the tendering process.

2. Learned counsel for the State of Haryana has drawn attention of this Court to the amendment carried out in the Haryana Panchayati Raj Finance, Budget, Accounts, Audit, Taxation and Works Rules, 1996, in particular Rule 134, whereunder notification dated 09.05.2023 (Annexure R-10) provides thus :-



- “5. *In the said rules, in rule 134, -*
- (i) *in sub-rule (1), for clauses (a) and (b), the following clause shall be substituted, namely :-*
- “(a) *the Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be, shall be competent to accord administrative approval of work(s) from their respective funds as per Schedule ‘A’.*
- (b) *for funds other than Gram Fund, Samiti Fund, Zila Parishad Fund under plan/non plan schemes of the Government; the administrative approval shall be accorded by the competent authority as per Schedule ‘A’ subject to the general directions of the Government.*
- (c) *all development works shall be executed through tender by Gram Panchayat or Panchayat Samiti or Zila Parishad or Executive Engineer, as the case may be, subject to technical approval as per Schedule ‘A’ and tender process shall be carried out as per Schedule ‘B’ and ‘C’ :*

Provided that for the development works estimated to cost upto five lakh rupees may be executed by the Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be, without following the tender process subject to the condition that such estimated amount of works shall not exceed twenty five lakh rupees or half of the total available Gram Fund or Samiti Fund or Zila Parishad Fund, as the case may be,



whichever is lower during the whole financial year.

(d) The executing agency concerned shall initiate the process of execution of work within fifteen days of allocation of funds in its account. All the accounts shall be maintained by the respective authorities as per departmental register in Form LVIII and tender register in Form LIX and LX.”

3. From the aforesaid, it is evident that the said statutory Rules of 1996 framed under Section 209 (1) and (2) of the Haryana Panchayati Raj Act, 1994, enable development works upto Rs. 25 lakh to be executable by Gram Panchayat/Panchayat Samiti/Zila Parishad, without adopting tendering process.

4. This petition has not assailed the aforesaid statutory Rules of 1996 and, therefore, no interference is called for.

5. Accordingly, the petition stands disposed of with liberty to the petitioner to assail the provisions of the Haryana Panchayati Raj Finance, Budget, Accounts, Audit, Taxation and Works Rules, 1996, if so advised.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

January 29, 2025
narotam

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