

141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26473-2025 (O/M)
Date of decision : 11.12.2025

Sushil Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Jainainder Saini, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside inquiry report dated 21.05.2025 (Annexure P-3), submitted by the committee constituted by learned Deputy Commissioner, Hisar (respondent No. 3 herein) on the ground that earlier inquiry report dated 27.01.2025 (Annexure P-2), submitted by the committee, constituted by Shri Krishna Lal Panwar, Minister for Development and Panchayat, Haryana, was a detailed inquiry report.

1.1 A further prayer has been made for directing respondents No. 1 and 2 to implement the inquiry report dated 27.01.2025 (Annexure P-2) and further directing respondent No. 3 to implement the recommendations made in inquiry report dated 27.01.2025 (Annexure P-2).

2. Petitioner claims that there was a 27.5 feet long street/firni (village circular road) from Matloda Road upto house of Mesa son of Santu, having a length of 700-800 feet, which was made of brick kiln bricks under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). Petitioner claims that the Market Committee, Barwala, started fresh construction of street and for said purpose, earlier laid brick street was uprooted and the bricks were kept on the side of aforesaid street. It is further claimed that the number of bricks uprooted from the street were more than 20000.

2.1 Petitioner alleges that about 4000 bricks were sold by Vinod Kumar, Sarpanch of village Kumbha Khera (respondent No. 5 herein) to one Pawan Kumar without taking recourse to any bidding, which is against the rules.

2.2 In the aforementioned circumstances, petitioner alongwith other villagers is said to have submitted a complaint dated 19.07.2024 to respondent No. 3 (Deputy Commissioner, Hisar), which was further referred to Sub Divisional Officer (Civil), Barwala (respondent No. 4 herein).

2.3 It appears that one complaint dated 10.08.2024 was submitted by respondent No. 5 (Vinod Kumar) to Police Station, Barwala, reporting theft of about 3000 bricks, (which were uprooted from the above referred street/firni), whereupon a case FIR No. 525, dated 10.08.2024, was registered at Police Station Barwala.

2.4. The aforesaid case FIR No. 525, dated 10.08.2024 was investigated and report dated 16.01.2025 (Annexure P-1) was

submitted therein, recommending action against respondent No. 5 for causing loss of revenue on account of his negligence.

2.5 It is stated that during the pendency of aforesaid FIR; the complaint dated 19.07.2024, submitted by petitioner and other village residents was put up before Shri Krishna Lal Panwar, Minister for Development and Panchayat, Haryana, on dated 26.12.2024, who constituted a committee under the chairmanship of Sub Divisional Officer (Civil), Barwala to conduct an inquiry on the aforesaid complaint, submitted by petitioner, whereupon report dated 27.01.2025 (Annexure P-2) was submitted.

2.6 Petitioner states that no action was taken on the aforesaid inquiry report dated 27.01.2025 (Annexure P-2), however, Deputy Commissioner, Hisar, vide letter dated 16.05.2025, constituted another committee under the Executive Engineer, Panchayati Raj, Hisar, for inquiring into the same issue afresh.

2.7 The said newly constituted committee is said to have submitted an inquiry report dated 21.05.2025 (Annexure P-3), whereby a clean chit has been given to respondent No. 5 (Vinod Kumar) and one Shri Pawan Kumar has been held liable for theft of bricks.

2.8 It appears that by relying upon the inquiry report dated 21.05.2025 (Annexure P-3), learned Deputy Commissioner, Hisar, ordered recovery of an amount of Rs. 12,195/- from Shri Pawan Kumar, vide letter/order dated 22.07.2025 (Annexure P-4).

2.9 In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

3. Heard.

4. A perusal of pleadings in the writ petition shows that the main grievance of the petitioner is that learned Deputy Commissioner, Hisar has wrongly constituted a new committee to inquire into the allegations against respondent No. 5 (Vinod Kumar) although, earlier inquiry report dated 27.01.2025 (Annexure P-2) had indicted respondent No. 5.

4.1 Here, it would be apposite to refer to operating part of inquiry report dated 27.01.2025 (Annexure P-2), which reads as under :-

“ *“During the investigation, the complainant has presented the CD and photos. After examining them and looking at all the facts, no clear evidence came out. Hence keeping in mind all the above facts and as per the police report, it appears that the bricks have been lifted from the spot. Hence, in relation to this complaint, departmental action should be taken against Shri Vinod Kumar, Sarpanch and the government should be made to compensate for the loss as per the rules.”*

4.2 A perusal of the above extracted report dated 27.01.2025 (Annexure P-2) would show that no clear evidence had come out on the basis of material (CD and photos) submitted by complainant i.e. petitioner herein and only conclusion arrived at was that the bricks had been lifted from the spot. On that basis, recommendation was made that departmental action be taken against Shri Vinod Kumar, Sarpanch.

4.3 Evidently, since the report dated 27.01.2025 was inconclusive, accordingly, another committee was formed by learned Deputy Commissioner, Hisar, vide letter dated 16.05.2025, to look into the allegations made against respondent No. 5; whereupon the newly

constituted committed submitted its report dated 21.05.2025
(Annexure P-3), the relevant extracts of which read as under :-

“Regarding the above subject, the committee constituted through the reference letter inspected the work on the spot on 21.5.25 and reviewed the records. Sanjay son of Jile Singh of Kumbha Kheda village told that the old bricks between the two electric poles were dug out by outside labourers at the behest of Pawan son of Baruram and the wages were also paid by Pawan. All the residents of the lane have also given a joint statement that the work of digging up the lane was done by Pawan son of Baruram. As per the records, it does not appear anywhere that the bricks were dug out at the behest of the Sarpanch.

Hence, the committee constituted for observation, reached the conclusion that 4065 bricks have been uprooted by Pawan from the street whose estimated cost is Rs. 12195/-. It would be appropriate to recover it from Pawan son of Baruram village Kumbha Kheda.”

4.4 A perusal of above extracted report dated 21.05.2025 (Annexure P-3) would show that a clear finding has been recorded therein that the bricks had been picked up by outside labourers at the behest of Pawan son of Baruram and he had even paid wages to them. Even the residents adjoining the street got their statements recorded that the work of digging up of brick kiln was done by Pawan son of Baruram and that no evidence had come on record that the bricks were dug out at the instance of Sarpanch Vinod Kumar, accordingly, recommendation was made to recover an amount of Rs. 12,195/- from Pawan son of Baruram.

5. During the course of hearing, a specific query was raised to learned counsel for petitioner to refer to any material, which may prima

facie indicate involvement of respondent No. 5 (Vinod Kumar) in extraction of bricks from the street/firni, however, he was unable to do so.

5.1 That apart, inquiry report dated 21.05.2025 (Annexure P-3) had already been acted upon, vide order dated 22.07.2025 (Annexure P-4) issued by learned Deputy Commissioner, Hisar, ordering recovery of Rs. 12,195/- from Shri Pawan son of Shri Baruram. In this writ petition, there is no challenge to above said letter/dated 22.07.2025 (Annexure P-4).

6. Considering the totality of circumstances, I find no compelling reason, which may warrant interference by this Court.

7. Resultantly, the instant civil writ petition fails and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

11.12.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No