



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(215)

CWP-23940-2021

HARI SINGH

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

Judgment Reserved on	Judgment Pronounced on	Judgment Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
17.02.2026	09.03.2026	09.03.2026	No	Yes

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Akshay K. Goel, Advocate
for the petitioner.

Mr. Deepak Vashisht, DAG, Haryana.

Mr. Abhayjeet Singh, Advocate
for respondent No.6.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner has approached this Court *inter alia*, for quashing report dated 15.06.2021, passed by Lokayukta, Haryana, respondent No.4, Annexure P-5, as well as orders dated 24.08.2021 and 13.10.2021, Annexures P-7 and P-8, passed by official respondents, whereby, a Committee has been constituted/re-constituted to conduct an inquiry in compliance of report,



Annexure P-5.

2. Brief facts leading to filing of the petition may be noticed. Petitioner retired from the post of Deputy Director in the Department of Technical Education on 30.06.2018, after rendering more than 34 years of service. Respondent No.6-complainant was working as a Lecturer in Mechanical Engineering in the same department. Disciplinary proceedings were initiated against him for various acts of omission and commission, while he was posted at Government Polytechnic, Jhajjar. On the basis of an inquiry report, he was dismissed from service w.e.f. 17.04.2013. He lodged an FIR bearing No.319 dated 18.06.2018, leveling fabricated allegations against petitioner and FIR was cancelled. Respondent No.6 filed a complaint bearing No.87 of 2014 before Lokayukta, Haryana, against petitioner and some other officers of the department on the allegation that they had obtained undue favours and caused financial loss to the Government. Complaint was forwarded to the Government for inquiring into it and Director General, Technical Education, furnished a report. By order dated 29.11.2016, Annexure P-1, Lokayukta disposed of the complaint. Another complaint bearing No.456 of 2016, Annexure P-2, was submitted by respondent No.6 before the Lokayukta on the allegation that an employee, Rajesh Sharma, Technical Assistant, has suppressed certain documents pertaining to bogus LTC claims from the department and had supplied a forged document to the petitioner who claimed LTC of Rs.4,555/- for a tour undertaken by him in the year 1989. The complaint was sent to the department. Upon being asked, petitioner filed a reply dated 07.02.2017,



Annexure P-4. By its report dated 15.06.2021, Annexure P-5, Lokayukta directed the department to conduct a detailed inquiry into the matters regarding the LTC claim as also to constitute a SIT. On the basis of the report, Annexure P-5, official respondents constituted a Committee on 24.08.2021, which was reconstituted on 13.10.2021, Annexures P-7 and P-8, respectively. Upon receiving an intimation for appearing before the Committee, petitioner approached this Court by way of present writ petition.

3. Counsel for the petitioner has asserted that the allegations pertain to the year 1989 and in view of Rule 12(2)(b)(ii) of Haryana Civil Services (Pension) Rules, 2016, disciplinary proceedings cannot be initiated in respect of any event, which has taken place more than four years before the institution of the complaint as the petitioner has retired from service. Counsel has contended that Lokayukta is a *quasi judicial* authority and principles of *res judicata* are applicable. He states that after the previous complaint on the same set of allegations was closed by the Lokayukta vide order, Annexure P-1, another complaint on similar allegations could not have been entertained. Reliance has been placed by the counsel upon **Faime Makers Pvt. Ltd. V/s. District Deputy Registrar, Cooperative Societies (3), Mumbai and Others (2025) 5 SCC 772**. It is also his argument that a Lokayukta cannot delegate the power to conduct an inquiry upon a department. He has made a reference to Section 17 of the Haryana Lokayukta Act, 2002 (for short “the Act”) as well as a judgment passed by this Court in **Dr. Amit Mann V/s. State of Haryana and Others (CWP-6688-2014, decided on 05.02.2015)**.



4. Writ petition has been contested by the official respondents by filing a response on behalf of respondents No.1 to 3, wherein it has been stated that an inquiry was conducted into the allegations leveled against the petitioner on the basis of intimation received from Lokayukta and allegations have been found to be correct. It has been stated that an Inquiry Officer was appointed and a reply has been filed to the complaint before the Lokayukta. It is further stated that on the basis of the recommendation received from the Lokayukta, Committee has been constituted vide impugned orders Annexure P-7 and P-8. Petitioner has appeared before the Committee and submitted to its jurisdiction. Complainant-respondent No.6 has filed a separate reply contesting the writ petition. It has been stated that the petitioner has defrauded the department and has embezzled Government funds in connivance with his colleagues. An argument has been raised that the service rules do not bar initiation of criminal proceedings against the petitioner.

5. I have given a thoughtful consideration to the arguments addressed by counsel for the parties besides examining the documents appended with the paper-book.

6. A Lokayukta is a unique and independent institution established by the legislature to receive complaints against specified public servants, investigate them and make a recommendation to the Government. Lokayukta does not have the trappings of a Civil Court nor are the proceedings before it strictly adjudicatory in nature, so principles of *res judicata* cannot apply to the proceedings before a Lokayukta. The observations of the Hon'ble Supreme



Court *M/s Faime Maker's case* (supra) are not applicable. An examination of the provisions of the Act, show that a complaint can be given to a Lokayukta under Section 10 of the Act and before investigating a complaint, Lokayukta may make such preliminary inquiry or direct any person to make such inquiry as it deems fit to examine as to whether there exists any reasonable ground for conducting the investigation. This provision further provides that on such preliminary inquiry, if the Lokayukta finds that there does not exist any ground, he shall proceed to record a finding to this effect and close the complaint. A perusal of order, Annexure P-1, shows that previous complaint was closed by Lokayukta on the basis of a preliminary inquiry and a report submitted before it. The Lokayukta did not consider it fit to be a case to proceed further to investigate the complaint. It is therefore evident that the first complaint submitted by respondent No.6 was never investigated before the Lokayukta therefore, report, Annexure P-1, can by no stretch of imagination deem to be bar to a fresh complaint.

7. Section 12 of the Act vests power with the Lokayukta to conduct an inquiry and procedure for conducting the inquiry has been laid down in statute. Section 17(1) of the legislation provides the mode to be adopted by Lokayukta, once a report has been prepared. Section 17(1) *ibid* deserves to be noticed and is reproduced hereunder:-

*“17. Reports of Lokayukta.
(1) If, after inquiry in respect, of a complaint,
the Lokayukta is satisfied -
(a) that no allegation or
grievance has been substantiated, he*



shall close the case and intimate the competent authority concerned accordingly ;

(b) that all or any of the allegations or grievances have or has been substantiated either wholly or partly, he shall, by report in writing, communicate his findings, appropriate recommendations and suggestions to the competent authority and intimate the complainant and the public servant concerned about his having made the report.

(2) The competent authority shall cause the report to be examined and communicate to the Lokayukta within three months of the date of receipt of the report, the action taken thereon.

(3) The Lokayukta shall present to the Governor a consolidated annual report on the administration of this Act.

(4) The Governor shall cause to be laid on the table of the State Legislature a copy of the annual report referred to in sub-section (3) above within six months of its receipt along with an explanatory memorandum indicating the action taken thereon, and the reasons for not taking action in a given case.”

8. After concluding the inquiry, Lokayukta has made a detailed recommendation to the competent authority, directing it to conduct a detailed inquiry by appointing a senior officer regarding allegation of LTC, claim for travel from Chandigarh to Kanya Kumari in the year 1989 and to take steps/action in terms of the aforesaid inquiry. Another recommendation has been made that a joint inquiry by forming SIT, comprising of senior officials, both from the Department of Haryana Tourism and Technical Education, be



constituted; an inquiry be conducted in accordance with the report submitted by Sh. R.C. Sharma, H.C.S. (Retd.) and action be taken as per rules against whosoever is found guilty.

9. Recommendation made by the Lokayukta in the impugned report are not in tune with Section 17 of the Act. Section 17(1)(a), *ibid*, provides that if the allegations are not substantiated, Lokayukta shall close the case and intimate the competent authority. Section 17(1)(b) of the Act postulates that if any of the allegation is found to have been substantiated, wholly or in part, the Lokayukta shall communicate its finding, appropriate recommendation and suggestion to the competent authority as well as intimate it to the complainant and public. Statutory provisions do not contemplate a direction to any department to make an inquiry as has been held in **Dr. Amit Mann's case** (supra). It is clear that the direction given by Lokayukta to competent authority to conduct a further inquiry and to take action on the basis of such inquiry report, is not in accordance with the provisions of the statute. The recommendation made by the Lokayukta in the impugned report therefore, cannot be sustained.

10. Insofar as the argument of the petitioner regarding complaint being time barred, is concerned, suffice it to say that even though the petitioner has superannuated from service, there cannot be any estoppel to initiation of criminal proceedings against the petitioner, in case, he is found to have indulged in financial misadventure. Reliance in this regard is placed upon a judgment of a Co-ordinate Bench of this Court in **Gulab Rai V/s. State of**



Haryana and Another, decided on 02.04.2009, Annexure R-6/1.

11. For the reasons recorded above, impugned report, Annexure P-5, is set aside. Matter is sent back to the Lokayukta, who is requested to proceed further in accordance with Section 17 of the Haryana Lokayukta Act, 2002.
12. Writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

09.03.2026

parul verma

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No