

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-35067-2025 (O/M)

Date of decision : 15.05.2026

Harpreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Nikhil Ghai, Advocate,
for the petitioner.

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HARSH BUNGER, J.

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside the order dated 29.07.2025 (Annexure P-1), passed by Director, Department of Rural Development and Panchayats, Punjab and also subsequent notice dated 14.08.2025 (Annexure P-2), issued by Block Development and Panchayat Officer, Ludhiana-I (in short 'BDPO'), seeking recovery of Rs. 1,30,38,353/- from the petitioner.

2. Briefly, petitioner is stated to be a former Sarpanch of Gram Panchayat village New Rajguru Nagar, Ludhiana.

2.1 It transpires that various inquiries were initiated against the petitioner before different authorities; whereupon the petitioner approached this Court by way of filing a writ petition i.e. CWP-10315-2023, which came to be disposed of, vide order

dated 17.05.2023 (Annexure P-5), the relevant extract of which reads as under :-

“1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 29.03.2022 (Annexure P-10) passed by respondent No. 5. Further prayer has been made for issuance of a writ in the nature of mandamus directing respondent Nos.2 and 3 to transfer the inquiries pending against petitioner No.2 to one authority.

2. On 12.05.2023, this Court had passed the following order:-

“Learned State Counsel prays for an adjournment to get instructions on both aspects i.e. as to whether the letter dated 29.03.2022 (Annexure P-10) has been withdrawn or not and also on the aspect as to how many inquiries are pending against the petitioners and in case, the said inquiries can be clubbed into one so that there are no multiple inquiries and contradictory findings.

Adjourned to 17.05.2023.”

3. Learned State Counsel, on instructions from Ms. Rajinder Kaur, BDPO, Ludhiana-I, has submitted that the order dated 29.03.2022 has been withdrawn and as far as inquiries are concerned, same are pending before the Executive Engineer, Malerkotla, Zila Parishad and also before the Director. It is further submitted that the inquiry before the Director is on a larger aspect than those before the Executive Engineer and Zila Parishad.

4. On a specific query put by this Court to the learned State Counsel that as to whether it would be possible for the Director to carry out the inquiry on all the aspects with the assistance of Executive Engineer and Zila Parishad in order to avoid contradictory findings, learned State Counsel has

submitted that Director, in the said circumstances, would conduct inquiry on all the aspects, in case need be, with the assistance of the concerned Departments including the office of Executive Engineer and Office of Zila Parishad.

5. *Learned counsel for the petitioners has submitted that the abovesaid statement made by learned State Counsel satisfies the claim of the petitioners and thus, present Civil Writ petition has been rendered infructuous and same may kindly be disposed of as such. It is however prayed that the State be bound by the abovesaid statement.*

6. *Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of as having been rendered infructuous.*

7. *The State would be bound by the abovesaid statement.”*

2.2 In furtherance to the above extracted order dated 17.05.2023; it appears that Director, Department of Rural Development and Panchayats, Punjab completed the inquiry vide its letter/order dated 19.08.2024 (Annexure P-4), the relevant extract of which reads as under :-

“6) *During the course of enquiry the Block Development and Panchayat Officer Ludhiana-1 submitted that despite many efforts the petitioner did not submit any records of her panchayat and the details of such record is as under :-*

- (i) Proceeding Books*
- (ii) Stock Register*
- (iii) Account Register*
- (iv) Receipt Book*
- (v) Cash Book*
- (vi) Cheque Books*
- (vii) Pass Books*
- (viii) Utilisation Certificate*

(ix) *Bill Voucher Files*

- 7) *He further submitted that since the record has not been seen by him he can only give estimated figures. During the tenure of petitioner as Sarpanch she received around 2 crore rupees as Government grants out of which Rs. 95 lacs is for sewerage. The said grant matter (sewerage grant) is under investigation/enquiry before the Department of Vigilance Ludhiana. He further submitted that as per 2011 Census, the total population of village 5228 and these are 11 panches apart from petitioner.*
- 8) *He further submitted that he made huge efforts but the petitioner failed to submit the panchayat record before him or any other enquiry officer earlier appointed for this purpose. He also submitted that surprisingly the petitioner got conducted the audit by submitting the record to audit team but the same record was not produced before him. Even the record was not produced before the Vigilance Department. In this regard, the petitioner made many excuses for avoiding the submission of panchayat record. He also submitted that the concerned Panchayat Secretary is conniving with the petitioner and is equally responsible for not submitting the record.*
- 9) *In view of above mentioned position the following conclusions are drawn :*
- (I) *The petitioners being Sarpanch is under statutory obligation under section 20 (i) (ii) of the Punjab Panchayati Raj Act, 1994 to submit the Panchayat record when asked, this provision is as under :-*
- (i) *to submit the judicial file of a case within two weeks of the receipt of order of any Court to do so;*

(ii) *to produce the panchayat records on being required to do so by an officer of the Department of Rural Development and Panchayats not below the rank of Social Education and Panchayat Officer;*

Therefore, the petitioner is prima-facie guilty for misconduct.

(II) *That the Panchayat Secretary Sh. Santokh Singh is equally responsible for such misconduct, hence he is placed under suspension with immediate effect for conniving with petitioner.*

(III) *The petitioner is prima-facie responsible for not submitting the panchayat record before the statutory authority, hence is responsible for the serious misconduct.*

(IV) *The present matter is fit to be investigated by a specialist agency which is equipped with was powered and accordingly it is recommended that the Vigilance Bureau should make a thorough investigation for all the grants received by the petitioner during her tenure. It is pertinent to mention here that no Utilisation Certificate has been given for the grants utilised by the petitioner. The Vigilance Bureau should also take this point in consideration while doing such enquiry, if allowed.*

(V) *The aforesaid recommendation to Vigilance Bureau shall be subject to the approval of Hon'ble Punjab and Haryana High Court in the present case.*

Accordingly, this enquiry is concluded at the end of this department and all the officers below whom any enquiry is pending are directed to close their enquiries and send all the papers to this office.”

2.3 In the aforesaid inquiry report dated 19.08.2024

(Annexure P-4), it was concluded that since petitioner had not associated

herself with the inquiry and relevant panchayat record was not submitted by petitioner, therefore, let the vigilance bureau conduct an investigation.

2.4 Thereafter, it appears that petitioner filed a contempt petition i.e. COCP-2441-2023 before this Court, wherein notice was issued and on 22.10.2024, the following order was passed :-

“Learned State counsel representing the respondents submits that the petitioners may appear before the office of Director-cum-Special Secretary, Department of Rural Development & Panchayats, Punjab, Vikas Bhawan, Sector 62, SAS Nagar (Mohali) on 28.10.2024 at 11.00 A.M. Learned State counsel further submits that petitioners may accompany their counsel at the time of hearing.

Adjourned to 19.11.2024.”

2.5 Thereafter, on 05.11.2024, the petitioner deposited the panchayat records for the purposes of inquiry; whereupon the Director, Department of Rural Development and Panchayat, Punjab constituted an inquiry committee under Shri Arun Kumar Sharma, Divisional Deputy Director, Panchayats, Patiala (Chairman) alongwith Shri Ranjit Shergill, Executive Engineer, Panchayati Raj, Ludhiana and Mrs. Navdeep Kaur, District Development and Panchayat Officer, Ludhiana as members for conducting the inquiry.

2.6 It further transpires that the aforesaid inquiry committee submitted its report dated 28.07.2025 [as extracted in order dated 29.07.2025 (Annexure P-1)], the relevant extract of which reads as under :-

“After conducting the measurement of the works executed at village Rajguru Nagar, an assessment report was prepared. A comparative list was prepared along with it. As per the cash book, the amount of measurable

expenditure comes to Rs. 2,56,59,085/- and non-measurable expenditure comes to Rs. 35,18,838/-, making the total expenditure Rs. 2,91,77,423/-. In this, the difference between the material verified at the spot and the material shown purchased in the cash book has been assessed, which is as follows:

Labour-Rs. 4,68,271/-, Bricks-27,03 nos., Sand-3,20,712 cft. Bajri (gravel)-14,140 cft, Tinto-1,37,135, Gutter-37,024 ft, Red Bajri-5.469 ft. Steel-7,418 quintals, Pipe 10-inch dia-686 pcs, Pipe 12-inch dia-6pcs, Manhole covers-24 pcs, Interlocking tiles 60mm-1,63,604 pcs, Interlocking tiles 80 mm-2,36,219 pcs. The variance shows that for these items the Panchayat has shown booking of material in excess of the assessment. Thus, as per the above, an excess expenditure of Rs. 1,12,50,118/- has been shown, which is recoverable from Ex-Sarpanch Mrs. Harpreet Kaur.”

Further, the Block Development and Panchayat Officer, Ludhiana-1 was sent the list of items amounting to Rs. 35,18,338/- shown as non-measurable expenditure along with the report of the Executive Engineer (Panchayati Raj), Ludhiana, with directions to examine this expenditure and immediately send a detailed report.

The Block Development and Panchayat Officer, Ludhaiana-1, vide letter No. 1618 dated 28.07.2025, sent his report to this office. In this report, comments were recorded on the bills shown in the list, and the detailed report was attached. At the end of this report, the BDPO recorded a note stating that as per details, total payments of Rs. 35,14,838/- were not covered under measurement and comments had been sought for the same. While sending the report regarding irregular payments found in the above list, it was stated that payments totalling Rs. 17,88,238/- were not covered under measurement, and many payments of Rs. 25,000/- each were withdrawn in cash in the name of the

Sarpanch, which is in violation of financial rules. Therefore, a total amount of Rs. 17,88,235/- is recoverable from Ex-Sarpanch Mrs. Harpreet Kaur.

From the Block Development and Panchayat Officer, Ludhiana-1, the report of the Panchayat Secretary, J.E., and B.D.P.O., who were posted during the term of Mrs. Harpreet Kaur, Ex-Sarpanch, New Rajguru Nagar, during which major transactions took place in this Panchayat, was obtained. The Block Development and Panchayat Officer, Ludhiana-1 sent the report vide letter No. 1602 dated 25-07-2025. In this report, it was mentioned that during this period, Sh. Malkit Singh Bhatti, S.E.P.O., holding charge of B.D.P.O. (20-12-2021 to 19-05-2022), Mrs. (illegible text in original), T.P. J.E. (illegible), D.T.E. (19-05-2022 to 20-07-2022), Mrs. Rajinder Kaur, Accountant, holding charge of B.D.P.O. (28-7-2022 to 30-6-2023), Sh. Kamal Bharti, Gram Sewak, Sh. Kiranpal Singh, Panchayat Secretary, Sh. Baldev Singh, Panchayat Secretary, Sh. Kuldeep Singh, Panchayat Secretary, Sh. Kulwant Singh, A.E. (Retired), Sh. Balwinder Singh, A.E., now posted as Sub-Divisional Officer (PR), Jagraon, and Sh. Vipin Sharma, J.E., now posted at Block Jagraon, remained posted.

Thus, in the Gram Panchayat New Rajguru Nagar, out of the expenditure made by Mrs. Harpreet Kaur, Ex-Sarpanch during her term, the excess expenditure on measurable works assessed by the Executive Engineer (Panchayati Raj), Ludhiana, comes to Rs. 1,12,50,118/- and as per the report of the B.D.P.O. Ludhiana-1, the non-measurable works amount to Rs. 17,88,235/-. The total amount of Rs. 1,30,38,353/- is recoverable from Mrs. Harpreet kaur, Ex-Sarpanch, New Rajguru Nagar. Along with this, regarding the excessively shown bills by the Sarpanch, the Block Development and Panchayat Officer,

Ludhiana-1, vide letter No. 1602 dated 25-07-2025, has submitted a report recommending departmental action against the officers/employees posted during this period.”

2.7 Considering the aforesaid inquiry report dated 28.07.2025, the Director, Department of Rural Development and Panchayat, Punjab, vide order dated 29.07.2025 (Annexure P-1) observed that as per inquiry report, an amount of Rs. 1,30,38,353/- was recoverable from the petitioner; however, the competent authority for making recovery under Section 216 of 1994 Act was Block Development and Panchayat Officer, Ludhiana-1. Accordingly, a direction was issued to Block Development and Panchayat Officer, Ludhiana-1 to initiate proceedings under Section 216 of 1994 Act. A further direction was issued to take disciplinary action against other officers, namely, Malkit Singh Bhatti S.E.P.O., Shri Baljit Singh Banga S.E.P.O, Smt. Rajinder Kaur, Accountant, Shri Kamal Bharti, Gram Sewak, Shri Kiran Pal Singh, Panchayat Secretary, Shri Baldev Singh, Panchayat Secretary, Shri Kuldeep Singh, Panchayat Secretary, Shri Kulwant Singh, A.E. (Retd.), Shri Balwinder Singh, A.E. and Shri Vipin Sharma, J.E.

2.8 It appears that in pursuance to aforesaid order dated 29.07.2025 (Annexure P-1), the Block Development and Panchayat Officer, Ludhiana-1, issued notice dated 14.08.2025 (Annexure P-2) under Section 216 of 1994 Act to the petitioner, informing her as regards amount sought to be recovered from her; the relevant extract of which reads as under :-

“Accordingly, in compliance with the orders received through the referenced letter, you are hereby issued a notice under Section 216 of the Punjab Panchayati Raj

Act, 1994 and instructed that the above-said amount of Rs. 1,30,38,353/- (One crore, thirty lakh, thirty-eight thousand, three hundred fifty-three rupees) be deposited within 15 days in the Panchayat account or in the Accounts Branch of this office and the receipt be submitted. In case of failure to do so, legal action shall be taken against you.”

2.9 On the other hand, in contempt petition (COCP-2441-2023), the following order dated 27.11.2025 (as available on official website of this Court) was passed :-

“1. Learned counsel for the respondents-State has submitted that in compliance of the order dated 17.05.2023 passed by this Court in CWP-10315-2023, the allegations levelled against petitioner No. 2 have been inquired into and that in the enquiry report dated 28.07.2025, it has been found that petitioner No. 2 was guilty of showing excess expenditure of Rs.1,30,38,353/- and thus, recommendation has been made to recover the same from petitioner No. 2 and further, the Director, Rural Development & Panchayats, Punjab has vide its order dated 29.07.2025, directed the BDPO, Ludhiana-1 to initiate the proceedings under Section 216 of the Punjab Panchayati Raj Act, 1994 and thus, the order passed by this Court has been complied with.

2. Today none has appeared on behalf of the petitioners to rebut the abovesaid aspect.

3. Keeping in view the abovesaid facts and circumstances, the present contempt petition is disposed of. Liberty is however granted to the petitioners to revive the same in case any cause survives.”

3. In the aforementioned circumstances, the present writ petition has been filed for seeking relief(s), as noticed hereinabove.

4. Learned counsel for petitioner has primarily raised following two arguments :-

- (a) That the impugned order dated 29.07.2025 (Annexure P-1), passed by Director, Department of Rural Development and Panchayats, Punjab is a non-speaking order as it does not contain the details of specific works, measurement book entries or estimates in respect of which the alleged loss has been quantified ;
- (b) That the procedure envisaged under Section 216 of 1994 Act has not been followed, inasmuch as that the competent authority/BDPO is required to conduct an inquiry after associating the petitioner, so as to afford an opportunity to petitioner to put-forth her claim and then record a finding of loss, waste or mis-application of funds and that too occasioned by the mis-conduct, negligence or default on the part of the petitioner, however the same has not been done in this case.

4.1 Accordingly, it is contended that the impugned order dated 29.07.2025 (Annexure P-1) as well as notice dated 14.08.2025 (Annexure P-2) are liable to be set aside.

5. I have heard learned counsel for petitioner and perused paper-book with his able assistance.

6. At the outset, it would be apposite to refer to Section 216 of 1994 Act, which reads as thus :-

“216. Liability of members of Panchayats.

- (1) Every member of a Panchayat shall be liable for the loss, waste or misapplication of any money or property belonging to the Panchayat, if such loss, waste or misapplication is a consequence of his*

neglect or misconduct while such member and shall also be liable to pay interest at the prescribed rate, from the date of loss, waste or misapplication, on the amount assessed under sub-section (2) or sub-section (3) as the case may be.

- (2) *The Block Development and Panchayat Officer concerned may, on the application of a Gram Panchayat or otherwise, and after giving the member concerned an opportunity to explain, assess, by order, in writing the amount due from him on account of such loss, waste or misapplication :*

Provided that -

- (a) *where such member happens to be the Chairman or a member of the Panchayat Samiti, the proceedings under this sub-section shall be taken by the District Development and Panchayat Officer;*
- (b) *where such member happens to be the Chairman, Vice-Chairman or a member of the Zila Parishad, the proceedings under this sub-section shall be taken by the Deputy Director.*
- (3) *Any person aggrieved by an order made under sub-section (2) may within a period of thirty days from the date of such order, appeal to :-*
- (a) *the District Development and Panchayat Officer, if the order has been made by the Block Development and Panchayat Officer;*
- (b) *the Deputy Director, if the order has been made by the District Development and Panchayat Officer ; and*
- (c) *the Director, if the order has been made by the Deputy Director ;and on appeal being filed, the appellate authority may suspend the execution of the order upon such terms as to costs,*

payments of the amount involved or otherwise as he thinks fit and subject to the result of appeal, if any, the order of Block Development and Panchayat Officer, District Development and Panchayat Officer and the Deputy Director, as the case may be, shall be final.

(4) Notwithstanding anything contained in this section no person shall be called upon to explain why he should not be required to make good any loss, after the expiry of four years from the occurrence of the loss, waste or misapplication or after the expiry of two years from his ceasing to be a member, whichever is later.

(5) The State Government may call and examine the record of any order made under this section for the purpose of satisfying itself as to the legality and propriety of such order and may confirm, modify or rescind such order :

Provided that no order prejudicial to any person shall be made by the State Government, unless that person has been afforded a reasonable opportunity of showing cause against the proposed order.

(6) The amount assessed as due from a member may, in the event of his death, be recovered from his legal heirs to the extent of property inherited by them from such member.”

6.1 From a perusal of above extracted provision, it is made out that sub-section (1) of Section 216 of 1994 Act provides for the liability of a Sarpanch or a Panch (as the case may be); whereas sub-section (2) of Section 216 of 1994 Act deals with procedure. What is envisaged under Section 216 (2) is that

- (i) Concerned BDPO has to afford an opportunity to the member concerned to explain or to put-forth his or her stand as regard the circumstances appearing against him/her for the

loss, waste or mis-application of any money on property belonging to the Panchayat;

- (ii) Thereafter the concerned BDPO has to assess by an order in writing as regards the amount due from such member concerned, on account of such loss, waste or mis-application of any money or property belonging to the Panchayat.

7. Now, coming to case in hand, from the attending circumstances, it is revealed that various inquiries were pending against the petitioner before different authorities for her alleged acts of commission and omission; whereupon the petitioner herself approached this Court by filing a writ petition i.e. CWP-10315-2023, which came to be disposed of, vide order dated 17.05.2023 (Annexure P-5), whereby the Director, Department of Rural Development and Panchayats, Punjab was asked to conduct an inquiry on all the aspects and in case need be, with the assistance of concerned departments including the office of Executive Engineer as well as office of Zila Parishad.

7.1 Pursuant to the aforesaid order dated 17.05.2023 (Annexure P-5), an inquiry was conducted by Director, Department of Rural Development and Panchayats, Punjab; however, since petitioner did not submit the relevant records in her possession, accordingly, learned Director concluded the inquiry vide his report dated 19.08.2024 (Annexure P-4) observing that since petitioner has not provided the relevant record therefore let the investigation be conducted by Vigilance Bureau.

7.2 It transpires that in the meanwhile, the petitioner approached this Court by filing a contempt petition (COCP-2441-2023), alleging

non-compliance of order dated 17.05.2023 (Annexure P-5). In the aforesaid contempt petition (COCP-2441-2023), learned State counsel made a statement that the petitioner may appear before the Director, Department of Rural Development and Panchayats, Punjab on 28.10.2024 alongwith her counsel for hearing. *(The said fact is duly recorded in the order dated 22.10.2024, passed by this Court in COCP-2441-2023).*

7.3 Thereafter, the petitioner participated in the inquiry proceedings and submitted panchayat records; whereupon the Director, Department of Rural Development and Panchayats, Punjab constituted an inquiry committee, consisting of Divisional Deputy Director, Panchayats alongwith Executive Engineer, Panchayati Raj, Ludhiana and District Development and Panchayat Officer, Ludhiana. Subsequently, the above constituted inquiry committee submitted a detailed report dated 28.07.2025 (as noticed in para-2.5 supra); wherein reference to all the relevant records has been made.

7.4 Considering the aforesaid detailed inquiry report dated 28.07.2025, the Director, Department of Rural Development and Panchayats, Punjab, vide impugned order dated 29.07.2025 (Annexure P-1), concluded that since as per inquiry report, an amount of Rs. 1,30,38,353/- was recoverable from the petitioner; however, the competent authority for making recovery under Section 216 of 1994 Act was the Block Development and Panchayat Officer, Ludhiana-I, accordingly, learned Director, vide order dated 29.07.2025 (Annexure P-1), forwarded the matter to concerned BDPO to initiate proceedings under Section 216 of 1994 Act with a further recommendation to take disciplinary action against various officers.

7.5 Upon receipt of order dated 29.07.2025 (Annexure P-1), the concerned BDPO issued impugned notice dated 14.08.2025 (Annexure P-2) under Section 216 of 1994 Act to the petitioner, calling upon her to deposit the amount, failing which, required legal action was to be taken. In view of the aforementioned circumstances, even the contempt petition, filed by petitioner was disposed of by this Court, vide order dated 27.11.2025.

8. Having considered the matter in its entirety, I am of considered view that the inquiry was got conducted by Director, Department of Rural Development and Panchayats, Punjab in compliance of order dated 17.05.2023 (Annexure P-5), passed by this Court in CWP-10315-2023, which was infact filed by the petitioner herself. In the inquiry, it has been found that an amount of Rs. 1,30,38,353/- is recoverable from petitioner. Since recovery can be initiated under Section 216 of 1994 Act, accordingly, the matter was referred by learned Director to the concerned BDPO, vide order dated 29.07.2025 (Annexure P-1); who in turn issued the impugned notice dated 14.08.2025 (Annexure P-2) upon petitioner.

8.1 In the peculiar facts and circumstances of this case, the true intent and import of notice (Annexure P-2) is that the petitioner has been informed that an amount of Rs. 1,30,38,353/- has been found to be recoverable from her and if she wants to deposit the said amount then she may do so, failing which, further legal action would be taken.

8.2 In case the petitioner disputes that the aforesaid amount is not recoverable from the petitioner, in that eventuality, the petitioner should have responded to notice dated 14.08.2025 (Annexure P-2), and

explained her position or put-forth her claim by taking all possible factual as well as legal pleas. Apparently, no such course has been adopted by the petitioner.

8.3 It appears that the petitioner wants to delay the proceedings by adopting all possible measures, which would be apparent from the mere fact that initially when various proceedings were pending before different authorities, she chose to approach this Court to seek an order that instead of multiple inquiries, only one inquiry be conducted by the Director, Department of Rural Development and Panchayats, Punjab, which was acceded to by the State, vide order dated 17.05.2023 (Annexure P-5), passed in CWP-10315-2023 and accordingly, the Director, Department of Rural Development and Panchayats, Punjab conducted the inquiry. Initially, the petitioner neither participated in the inquiry, nor submitted relevant panchayat records, retained by her and in the process, delayed the matter for more than one year; however, subsequently, in pursuance to the order dated 22.10.2024, passed by this Court in contempt petition (COCP-2441-2023), the petitioner was asked to appear before the Director, Department of Rural Development and Panchayats, Punjab on 28.10.2024 and to participate in the proceedings, whereupon the petitioner submitted the relevant panchayat records. Thereafter, again another inquiry committee was constituted, who had conducted a thorough inquiry and submitted a detailed inquiry report dated 28.07.2025.

8.4 In the eventuality of petitioner not availing of the opportunity given to her to explain her position or dispute the amount claimed from her or putting-forth her claim in pursuance to impugned notice

(Annexure P-2); in such circumstances, the only option left for the concerned BDPO is to pass an order as regards the amount due from the petitioner on account of loss, waste or misapplication of any money or property belonging to the Panchayat.

9. In view of the above discussion, it is observed that vide order dated 29.07.2025 (Annexure P-1), learned Director has simply forwarded the matter to the concerned BDPO alongwith the substance of the inquiry report dated 28.07.2025, so that appropriate proceedings under Section 216 of 1994 Act can be carried out.

9.1 Since learned Director has referred to the inquiry report dated 28.07.2025 in detail, in its order dated 29.07.2025 (Annexure P-1), while forwarding the matter to BDPO for initiating action against petitioner and other officials; I find no merit in the first contention raised on behalf of the petitioner that order dated 29.07.2025 (Annexure P-1) is a non-speaking order, hence the said plea is rejected.

10. I also do not find any merit in the second contention raised on behalf of the petitioner that the procedure envisaged under Section 216 (1) & (2) of 1994 Act has not been followed. For the sake of repetition, it is observed that the learned Director got conducted the inquiry into the alleged acts of commission and omission in pursuance to the order dated 17.05.2023 (Annexure P-5), passed by this Court and that too on the prayer made by petitioner herself in CWP No. 10315 of 2023. In inquiry, petitioner did not participate initially, however subsequently she appeared in the inquiry and submitted the relevant records. The inquiry committee constituted by learned Director carried out assessment of loss, waste and mis-application of panchayat

money/property and concluded vide its report dated 28.07.2025 that an amount of Rs. 1,30,38,353/- was recoverable from petitioner.

10.1 Since the proceedings under Section 216 of 1994 Act are to be initiated by the concerned Block Development and Panchayat Officer, therefore, there is no error in the order dated 29.07.2025 (Annexure P-1), passed by the Director, Department of Rural Development and Panchayats, Punjab; whereby he had referred the matter to the concerned BDPO to initiate proceedings under Section 216 of 1994 Act. Likewise, there is also no jurisdictional error on the part of the concerned BDPO in issuing the impugned notice dated 14.08.2025 (Annexure P-2) upon the petitioner for seeking recovery of Rs. 1,30,38,353/-, as was found recoverable from the petitioner in terms of inquiry report dated 28.07.2025.

10.2 It is reiterated that in case the petitioner is aggrieved from the notice dated 14.08.2025 (Annexure P-2), issued against her under Section 216 of 1994 Act, in that eventuality, she was well within her right to put-forth her claim and dispute the amount sought to be recovered from her (if not already done so); whereupon the concerned BDPO would pass an appropriate order.

11. That apart, it is well settled by now that no writ is maintainable against notice/show cause notice unless the authority issuing notice does not have jurisdiction to do so. In this regard, reliance can be made to a judgment rendered by Hon'ble the Supreme Court of India in ***Executive Engineer Bihar State Housing Board v. Ramesh Kumar Singh and others, (1996) 1 SCC 327***, wherein it was held that for entertaining a writ petition under Article 226 against a show-cause notice,

at that stage, it should be shown that the authority had no power or jurisdiction to enter upon the enquiry in question. In all other cases, it is only appropriate that the party should avail of the alternate remedy and show cause against the same before the authority concerned and take up the objection regarding jurisdiction also, then in the event of an adverse decision, it will certainly be open to him to assail the same either in appeal or revision, as the case may be, or in appropriate cases, by invoking the jurisdiction under Article 226 of Constitution of India.

11.1 As already noticed, above, since there is no jurisdictional error in issuance of notice dated 14.08.2025 (Annexure P-2) by concerned BDPO.

12. No other argument was addressed/pressed.

13. In view of the above discussion, I see no compelling reason which may warrant interference by this Court. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

15.05.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No