
(2020) 07 SHI CK 0118
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1250 Of 2020

Babu Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 20-07-2020

Acts Referred:

Himachal Pradesh Panchayati Raj Act, 1994 — Section 145, 145(c), 145(1)(c), 145(2), 146

Citation : (2020) 07 SHI CK 0118

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Adarsh K. Vashista, Ashok Sharma, Adarsh K. Sharma

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. The case of the petitioner is that on the basis of a complaint filed by the petitioner against respondents No. 5 to 7, an inquiry was initiated and the Block Development Officer, Sangrah, District Sirmour appointed the Panchayat Inspector and the Junior Engineer as Inquiry Officers. A show cause notice was issued to respondent No. 5, who filed the reply, which was not found satisfactory by respondent No. 3, whereupon, in exercise of powers under Section 146 of the H.P. Panchayati Raj Act (hereinafter referred to as 'the Act'), a regular inquiry was initiated against him, which was entrusted to Sub Divisional Officer (Civil), Sangrah.

2. It is contended on behalf of the petitioner that the said regular inquiry has not been completed till today and no action has been taken against respondent No. 5 despite the fact that he was found guilty for misappropriation/ embezzlement of government funds, though, he should have been placed under suspension in terms of Section 145 (c) of the Act.

3. Being aggrieved by the non-action on the part of the respondents-Authorities,

the petitioner has invoked the jurisdiction of this Court by the medium of the instant writ petition seeking a direction to respondent No. 2 to place respondents No. 5 and 6 under suspension and also to act in accordance with the provisions contained in Section 145 (1) (c) and 145 (2) of the Act.

4. Mr. Adarsh K. Sharma, learned Additional Advocate General, on instructions, submits that on the basis of the reply filed by respondent No. 5 to the show cause notice, regular inquiry was initiated and was entrusted to Sub Divisional Officer (Civil) Sangrah, District Sirmaur, who conducted the regular inquiry and submitted the report, according to which, no charge was proved against respondent No. 5.

5. In view of the above submission, a prayer for dismissal of the instant writ petition has been made by the learned Additional Advocate General.

6. We have heard learned counsel for both the parties.

7. The prayer of the petitioner, in the instant writ petition, is for a direction to the official respondents to place respondent No. 5 under suspension as per Section 145 of the Act.

8. It is apt to record herein that the official respondents had initiated the inquiry against respondent No. 5, the Inquiry Officer had submitted the inquiry report stating therein that nothing had been proved against respondent No. 5.

9. Such being the case, without expressing any opinion on the merits of the case, we see no reason to interfere in the matter. Accordingly, the writ petition is disposed of reserving liberty to the petitioner to challenge the regular inquiry report, if he is still aggrieved.

10. Pending miscellaneous applications, if any, are also disposed of accordingly.