

(2018) 11 UK CK 0209
In the Uttarakhand High Court
Case No : Writ Petition No. 129 (SB) Of 2014

Chandan Kumar Soni

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 22-11-2018

Acts Referred:

Citation : (2018) 11 UK CK 0209

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Singh, J

Bench : Division Bench

Advocate : M.C. Pant, Rajeev Singh Bisht, K.P. Upadhyay

Final Decision : Disposed Off

Judgement

Ramesh Ranganathan, C.J.

1. While a Writ of Quo Warranto is sought against respondent no. 10, who was then working as the Director / Principal, Bipin Tripathi Kumaon Institute of Technology, Dwarahat, Almora, Sri M.C. Pant, learned counsel for the petitioner, would submit that, since respondent no. 10 is no longer holding office as the Director / Principal of the Institute, the cause in the writ petition, to the extent a Writ of Quo Warranto is sought, would not survive, necessitating adjudication by this Court.

2. While fairly stating that he is also not pressing for the grant of most of the other reliefs sought for in the writ petition, Sri M. C. Pant, learned counsel for the petitioner, would confine his submissions only to prayer no. 3(B) whereunder an inquiry is sought by a judicial officer to inquire into purchases worth several crores from the funds of the State Government & World Bank under TEQIP etc., as well as misuse of public money. In support of his submissions, regarding the financial irregularities committed by respondent no. 10 and others, Sri M.C. Pant, learned counsel for the petitioner would draw our attention to a joint inquiry report submitted by the District Treasury Officer and the Joint Magistrate, Ranikhet wherein they have recorded findings of financial irregularities. This

report was submitted in the month of November, 2011, a copy of which is annexed along with the writ petition.

3. The petitioner has not chosen to array any of other individuals, except respondent no. 10, as respondents eo-nominee in the writ petition. In the absence of their being arrayed as party respondents in the writ petition, it would be wholly inappropriate for this Court to undertake the task of itself inquiring into the truth or otherwise, of the allegations made in the writ petition, behind their back and without giving them an opportunity of being heard.

4. While Sri M.C. Pant, learned counsel for the petitioner, would now seek liberty to file an application to implead these individuals as party respondents, we see no reason to now accede to such a request as the petitioner has not chosen to do so when he filed the writ petition four years ago, and such a request is being made only during the course of final hearing of the writ petition.

5. Sri Rajeev Singh Bisht, learned Brief Holder appearing for the State of Uttarakhand, would express ignorance as to what transpired after the joint inspection report was submitted in November, 2011. The fact that, in such a serious matter where allegations of corruption are made against officials of the Institute including misuse of several crores of funds, the respondents have chosen not to file their response for the past four years is disturbing.

6. It is indeed a matter of concern that, in matters of this nature where grave and serious allegations of corruption are made, senior officials of the State Government have chosen not even to file their counter affidavit for the past four years. Allegations of corruption, misuse of funds etc. must be inquired into with utmost promptitude. As we are not informed of the action, if any, taken by the Government, pursuant to the aforesaid joint inspection report, a Mandamus must be issued directing the official concerned to take further action within a specified time frame, pursuant to the joint inquiry report submitted by the District Treasury Officer and the Joint Magistrate wherein several officers, including respondent no. 10, are stated to have indulged in grave financial irregularities.

7. Without expressing any opinion on the truth or otherwise, of the conclusions recorded in the joint inspection report, we consider it appropriate to direct respondent no. 2 to examine the joint inspection report; cause a detailed inquiry on the financial irregularities and misuse of funds by various officials of the Institute as is recorded in the said report; and take action pursuant thereto, including for recovery of funds, in case, it is established that funds have been misused or misappropriated. The entire exercise, culminating in a decision being taken by respondent no. 2 and for consequential initiation of disciplinary proceedings, shall be completed at the earliest and, in any event, not later than four months from the date of receipt of a copy of this order.

8. The writ petition stands disposed of accordingly.