
(2019) 12 P&H CK 0069

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 33820 Of 2019

Gurjit Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 03-12-2019

Acts Referred:

Punjab Panchayati Raj Act 1994 — Section 216

Citation : (2019) 12 P&H CK 0069

Hon'ble Judges : Suvir Sehgal, J

Bench : Single Bench

Advocate : Raj Kumar Garg, Vikas Mohan Gupta

Final Decision : Dismissed

Judgement

1. The petitioner has approached this Court seeking mandamus for quashing of the letter dated 30.09.2019 (Annexure P-5) whereby action had been initiated against the petitioner on the basis of enquiry report submitted by Additional Deputy Commissioner (D), Pathankot. By order dated 21.11.2019, learned State counsel was directed to get necessary instructions on the factual aspect of the matter.

2. In response thereto, learned State counsel has filed a short reply by way of affidavit of Sh. Jaskiran Singh, IAS, Director, Department of Rural Development and Panchayats, Vikas Bhawan, Sector 62, SAS Nagar in Court today. The same is taken on record. Paragraphs 3 to 5 of the affidavit read as under:-

"3. That the regular inquiry was entrusted to Additional Deputy Commissioner (Development), Gurdaspur vide letter No. 1609-11 dated 27.02.2018. But Additional Deputy Commissioner (Development), Gurdaspur informed vide letter No. 24.07.2018 that he has already conducted the inquiry as Deputy Director-cum-Inquiry Officer. The inquiry may be transferred to any officer.

4. That the regular inquiry was transferred to Additional Deputy Commissioner (Development), Pathankot vide letter No. 6420 dated 20.08.2018. Thereafter, the

petitioner's counsel made the request on behalf of the petitioner on 24.07.2019 that the regular inquiry has been entrusted to Additional Deputy Commissioner (Development) Pathankot but he concluded the inquiry. After considering the representation, the regular inquiry transferred to Divisional Deputy Director, Rural Development Panchayat, Jalandhar vide letter No. 4376 dated 06.08.2019. Thereafter, the regular inquiry received from Additional Deputy Commissioner (Development) Pathankot vide letter No. 383 dated 15.07.2019. After considering the report by the respondent No. 2, Block Development and Panchayat Officer, Batala directed to take the action under Section 216 of the Punjab Panchayati Raj Act 1994, because the Sarpanch has embezzled the amount Rs. 10,83,821/- as per the report of inquiry officer vide letter No. 5549 dated 30.09.2019.

5. That after receiving the order dated 21.11.2019 passed by this Hon'ble Court, the case of the petitioner was reconsidered by the deponent and found that the office has accepted the representation dated 24.07.2019 for transferring the inquiry from the Additional Deputy Commissioner (Development) Pathankot to any officer and the inquiry was transferred to Divisional Deputy Director, Rural Development Panchayat. Thereafter, the action taken on the regular inquiry of Additional Deputy Commissioner (Development) Pathankot has been withdrawn. Divisional Deputy Director, Rural Development and Panchayat Jalandhar has been directed to send the regular inquiry report immediately. After receiving the regular enquiry from the Divisional Deputy Director, Rural Development and Panchayat Jalandhar, the appropriate action will be taken in accordance with law.

It is, therefore, respectfully prayed that the present writ petition has become infructuous thus the present writ petition may kindly be dismissed in the interest of justice."

3. Since the action initiated on the basis of the report of the Additional Deputy Commissioner (Development), Pathankot, has been withdrawn, the writ petition has been rendered infructuous.

4. Dismissed as infructuous.