
(2010) 12 P&H CK 0355
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 19952 of 2010 (O and M)

Karambir Singh Rathee

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 03-12-2010

Acts Referred:

Haryana Municipal Act, 1973 — Section 14A(1), 22A(1)

Citation : (2010) 12 P&H CK 0355

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Judgement

Mahesh Grover, J.—This writ petition has been filed with a prayer for quashing order dated 31.3.2006 (Annexure P-24) vide which show cause notice has been issued to the Petitioner u/s 22A(1) and Section 14A(1)(a) of the Haryana Municipal Act 1973 and also to quash the charge sheet issued against him. The prayer has also been made to quash the suspension order passed against the Petitioner dated 17.10.2006 and to further quash order dated 1.12.2006 (Annexure P-38) by which an appeal against the suspension order has been dismissed.

2. The contention of the learned Counsel for the Petitioner is that the Petitioner is the Municipal Councilor and the allegation against him was that by virtue of the assessment that he made pertaining to the recovery of house tax, he caused loss to the Exchequer and that the report of the Auditor does not fortify the allegations against him. He thus contends that the entire proceedings are politically motivated and also refers to the written statement filed by the Executive Magistrate to say that the factum of political victimization is admitted in the same.

3. The facts of the case reveal that in view of the allegations which have been made against the Petitioner an FIR also stands registered and the Secretary to Government Haryana while answering the appeal of the Petitioner against order of suspension vide his order dated 1.12.2006 has observed that so long the FIR

in question stands and the criminal case registered against the Petitioner is under consideration, no interference in the order of suspension dated 17.10.2006 can be made. However liberty was granted to the Petitioner to approach the Director for reviewing the suspension order in case the FIR is quashed or withdrawn.

4. When the matter was taken up for hearing today, the learned Counsel for the Respondents pointed out that the instant writ petition has become infructuous since the tenure of the Petitioner has already expired and that fresh elections have taken place in which the Petitioner has once again been elected. It has also been pointed out that the proceedings in the FIR progressed considerably and the Petitioner was discharged against which Respondents have filed revision petition which is pending. It has further been pointed out that the Petitioner could not have any grievance as he was suspended in pursuance of the provisions of Section 22A(1)(a) which contemplate such a suspension in the eventuality of some enquiry proceedings being pending or the case having been registered. He thus contends that the suspension was perfectly in order and for the reasons stated above the suspension order, the operation of which was stayed has out lived its life on the extinguishing of the term of the Petitioner.

5. After hearing learned Counsel for the parties, I am of the considered opinion that the writ petition deserves to be disposed of as having rendered infructuous without any interference being warranted. The FIR in question has been quashed which resulted in the discharge of the Petitioner and he thus has a liberty to contest such proceedings which have been initiated by the Respondent by impugning the order in the revision petition. The question which has been raised cannot be answered as the term of the Petitioner has since expired and whether or not the allegations against him were correct would be determined on the termination of the proceedings emanating from the FIR.

6. Hence, the instant writ petition is disposed of as having rendered infructuous.