
(2019) 11 UK CK 0106

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 193 Of 2019

Mange Ram Saini

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 15-11-2019

Acts Referred:

Citation : (2019) 11 UK CK 0106

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

Bench : Division Bench

Advocate : Vivek Shukla, Paresh Tripathi

Judgement

Ramesh Ranganathan, CJ

1. The report of Superintendent of Police, submitted to the Senior Superintendent of Police, refers to several incidents of embezzlement of funds by the Gram Pradhan. Since the petitioner's complaint was that no action was being taken on the report of Superintendent of Police, we had, by our order dated 07.11.2019, suo motu impleaded the Principal Secretary, Home; and had called upon Sri Paresh Tripathi, learned Chief Standing Counsel, to obtain instructions regarding action, if any, taken pursuant to the report submitted by the Superintendent of Police on 21.02.2018.

2. Today Sri Paresh Tripathi, learned Chief Standing Counsel, on instructions, states that, on receipt of the report of Superintendent of Police on 21.02.2018, an FIR was registered on 26.02.2018; the Investigating Officer had filed the final report on 29.10.2019; and, since a perusal of the final report disclosed that the investigation was unsatisfactory, a fresh investigation has been directed to be caused by the Sub-Inspector, S.I.S. Branch.

3. When we asked him whether action was initiated, for such serious allegations of embezzlement of public funds by the Gram Pradhan, under the provision of Panchayati Raj Act which confers wide powers on the District Magistrate, including the power to recommend removal of the Gram Pradhan from Office,

and to withhold her financial powers, Mr. Paresh Tripathi, Learned Chief Standing Counsel, would submit that it is only after the writ petition was filed that the State Government came to know of the report of the Superintendent of Police, Haridwar dated 21.02.2018.

4. It is disconcerting that, despite serious allegations of corruption being made against a Public Servant by a responsible officer in the cadre of the Superintendent of Police, the Senior Superintendent of Police should choose not to forward a copy thereof to the State Government for necessary action. If the submission of Sri Vivek Shukla, learned counsel for the petitioner, is true, then it does appear that the Senior Superintendent of Police has failed take prompt action for acts of corruption indulged in by Public Servants.

5. We consider it appropriate, in such circumstances, to suo motu implead both the Senior Superintendent of Police, Haridwar and the Superintendent of Police, Haridwar City as respondent Nos. 9 & 10 in the writ petition. Respondent No.1 shall, by the next date of hearing, file his report regarding the action, if any, being taken by the Government on the report submitted by the Superintendent of Police, Haridwar City dated 21.02.2018 under the provisions of the Panchayati Raj Act. The ninth respondent shall submit his report, by the next date of hearing, explaining why, despite receipt of the report of the tenth respondent dated 21.02.2018, he did not inform the State Government regarding the allegations made therein or request the Government to take action against the Gram Pradhan, for the alleged acts of corruption, under the provisions of the Panchayati Raj Act.

6. Post on 02.12.2019 as a 'fresh admission matter' in the daily list, by which date both respondent Nos.1 & 9 shall submit their respective reports as directed hereinabove.

7. Let a certified copy of this order be issued to the learned counsel for the parties, on payment of the prescribed charges, by tomorrow.