
(1982) 10 P&H CK 0011
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5196 of 1974

Thakar Singh

APPELLANT

Vs

The State of Punjab and others

RESPONDENT

Date of Decision : 04-10-1982

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1982) 10 P&H CK 0011

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Advocate : A.N. Mital with Mr. Viney Mital, for the Appellant; D.S. Brar, A.A.G. Pb. with Mr. B.S. Shant, for the Respondent

Final Decision : Dismissed

Judgement

Surinder Singh, J.—As per this Writ Petition Articles 226/227 of the Constitution of India. Thakar Singh ex-Sarpanch has sought to impugn the order of the Block Development and Panchayat Officer Zira, dated September 30, 1972 (Copy Annexure P-3) and that of the Assistant Director, Panchayats, Jullundur Division, at Chandigarh, dated July 22, 1974 (Copy Annexure P-5).

2. A Show-Cause Notice was given to the petitioner with the allegation that he had caused loss of Rs. 4370-54 which was assessed u/s 105(2) of the Punjab Gram Panchayat Act, 1952 (hereinafter referred to as the Act). The Petitioner, vide order Annexure P-3 was directed to deposit this amount with the Panchayat within one month. Feeling aggrieved with the said order, the petitioner filed an appeal u/s 105(3) of the Act, which was dismissed by the Assistant Director, Panchayats. The liability of the petitioner was, however, reduced to some extent and the loss caused by him was assessed at Rs. 4165-54

3. The sole contention of the learned counsel for the petitioner in the present petition is that all the items of expenditure incurred by the petitioner had been spent in consequence of resolutions passed by the Gram Panchayat and this

being so, the petitioner could not be fixed with any individual liability for the amounts. The argument is however, not tenable. The Assistant Director, Panchayats, in his detailed order (Annexure P-5) has dealt with each and every item of loss separately and meticulously. The Officer even went to the extent of visiting the village and made on the spot enquiries. Thus, he was fully satisfied that the petitioner was guilty of the losses" by not carrying out the various assignments for which he had withdrawn money from the Panchayat funds. Some receipts in this behalf were also found to have been forged. This Court cannot interfere with the findings of fact as recorded by the Assistant Director who was fully competent to deal with the matter under the law. As regards the objection raised by the learned counsel that no personal liability in this behalf could be placed upon the petitioner, a perusal of Rule 23 of the Gram Panchayat Rules would show that the Gram Panchayat funds are operatable only by the Sarpanch. The mere fact that there were resolutions of the Panchayat, did not absolve the Sarpanch of his responsibility to see that the funds withdrawn for each purpose are properly and fully utilised. Indeed, it is not the function of the entire Panchayat to carry out the various assignments in accordance with the resolutions. The petitioner who was a Sarpanch at the relevant time, handled the Panchayat funds and if any default or irregularity is made in this connection, as has been found in the impugned orders, the correctness or otherwise of the same cannot be agitated under the extraordinary powers of this Court.

4. The Writ Petition is without merit and is consequently dismissed, but with no order as to costs.