

2025:PHHC:011852-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**LPA-826-2024 (O&M)**

**Date of decision: 23.01.2025**

JOGINDER SINGH

.....Appellant

Versus

STATE OF PUNJAB & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. H.S. Saini, Advocate for the appellant.

Mr. G.S. Bhullar, Assistant A.G. Punjab.

**SUDHIR SINGH, J.**

**CM-2009-LPA-2024**

For the reasons given in the application, the same is allowed. Delay of 53 days in filing the appeal is condoned, subject to all just exceptions.

**LPA-826-2024**

The present intra Court appeal is directed against the order dated 21.11.2023 passed by the learned Single Judge, whereby the writ petition filed by the appellant was disposed of as having been rendered infructuous. However, a liberty was given to him to pursue his remedy, in case any cause of action survived with him.

2. The appellant had filed the writ petition regarding the embezzlement of the funds to the tune of Rs.26,24,000/- of Gram Panchayat of Village Ali Nangal by respondents No.4 to 6 and stated that no action was taken against the said respondents. It was further the case of the appellant that the said Gram Panchayat auctioned the land in the year 2014-15 for Rs.13,12,000/- for a period of one year, but respondent No.6-Balwant Singh (Sarpanch) in connivance with respondent No.4-Pargat Singh Block Development and Panchayat Officer (BDPO), Dera Baba Nanak, Distt-Gurdaspur and respondent No.5-Sukhdev Singh, Panchayat Secretary, did not enter the auction in the Proceedings Register of the Gram Panchayat. Besides that, it was alleged that respondents No.4 to 6 had caused a loss of approximately Rs.11 lakh to the Gram Panchayat by showing the auction of the Shamlat land of the village for a meagre amount of Rs.2,08,000/-. It was further contended that the aforesaid respondents had been found guilty in the enquiry report dated 04.09.2017, submitted by the DDPO (District Development and Panchayat Officer), holding therein that respondent No.6 in connivance with respondents No.4 and 5 had embezzled the amount of Rs.26,24,000/- and respondent No.2 was directed to take departmental action against the said respondents.

3. The writ petition was, thus, filed alleging non-action against the aforesaid respondents. The stand of respondent-State before the learned Single Judge, was that the respondents No.4 and 5 being the Government employees and having been found guilty, have already been proceeded against; they were suspended from their posts on 30.05.2019 and later on charge-sheeted on 27.06.2019. It was

further the stand of the respondent-State that after receiving reply from respondent No.4, he was reinstated on 28.06.2019, but departmental proceedings against respondents No.4 and 5 were still continuing. It was further pointed out by the respondent-State that DDPO, Gurdaspur, in his report dated 14.06.2018 found that respondent No.6 being an illiterate person was not having full knowledge of the Government instructions. The learned Single Judge, while disposing of writ petition has observed that as the departmental action had already been initiated against respondents No.4 and 5, the writ petition had become infructuous.

4. Learned counsel for the appellant has vehemently argued that respondent No.6 had been involved in the embezzlement of the Panchayat funds and as a matter of fact, he had connived with respondents No.4 and 5 in this regard. It is further argued that the DDPO, Gurdaspur in his report had observed that respondent No.6 being illiterate was not in the full knowledge of the Government instructions and that mere lack of knowledge of the Government instructions, cannot be made basis to exonerate the said respondents.

5. A perusal of the prayer made in the writ petition would show that the appellant-petitioner had sought issuance of a writ in the nature of Mandamus directing official respondents to conduct a vigilance enquiry and initiate criminal action against respondents No.4 to 6 for the alleged embezzlement. As noticed in the impugned order passed by learned Single Judge, the Department has already initiated proceedings against the guilty officials i.e., the respondents

No.4 and 5, whereas, respondent No.6 had not been found guilty. As the grievance raised by the appellant-petitioner in the writ petition stands redressed, learned Single Judge, was perfectly justified in disposing of the writ petition as having become infructuous. Needless to say that the departmental proceedings against the guilty officials will be brought to logical end by the authorities.

6 In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

7. Pending application(s), if any, shall stand disposed of.

**[ SUDHIR SINGH ]  
JUDGE**

**[ SUKHVINDER KAUR ]  
JUDGE**

23.01.2025

himanshu

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No