

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6226-2025 (O/M)

Date of decision : 27.03.2025

Harpreet Kaur

..... Petitioner

Versus

Administrator Secretary, Rural Development and Panchayat
Department and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. K.S. Chahal, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Harpreet Kaur) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for quashing the order dated 12.11.2024 (Annexure P-19), passed by Administrator Secretary, Rural Development and Panchayat Department, Punjab, whereby an inquiry has been entrusted to respondents No.2 to 4 against the petitioner, on the plea that the same is in violation of order dated 17.05.2023 (Annexure P-2), passed by this Court in CWP-10315-2023.

2. Learned counsel for petitioner submits that earlier the petitioner had approached this Court by way of filing a civil writ petition i.e. CWP-10315-2023, wherein the following order was passed :-

“1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order

dated 29.03.2022 (Annexure P-10) passed by respondent No. 5. Further prayer has been made for issuance of a writ in the nature of mandamus directing respondent Nos. 2 and 3 to transfer the inquiries pending against petitioner No. 2 to one authority.

2. *On 12.05.2023, this Court had passed the following order:-*

“ Learned State Counsel prays for an adjournment to get instructions on both aspects i.e. as to whether the letter dated 29.03.2022 (Annexure P-10) has been withdrawn or not and also on the aspect as to how many inquiries are pending against the petitioners and in case, the said inquiries can be clubbed into one so that there are no multiple inquiries and contradictory findings.

Adjourned to 17.05.2023.”

3. *Learned State Counsel, on instructions from Ms. Rajinder Kaur, BDPO, Ludhiana-I, has submitted that the order dated 29.03.2022 has been withdrawn and as far as inquiries are concerned, same are pending before the Executive Engineer, Malerkotla, Zila Parishad and also before the Director. It is further submitted that the inquiry before the Director is on a larger aspect than those before the Executive Engineer and Zila Parishad.*

4. *On a specific query put by this Court to the learned State Counsel that as to whether it would be possible for the Director to carry out the inquiry on all the aspects with the assistance of Executive Engineer and Zila Parishad in order to avoid contradictory findings, learned State Counsel has submitted that Director, in the said circumstances, would conduct inquiry on all the aspects, in case need be, with the assistance of the concerned Departments including the office of Executive Engineer and Office of Zila Parishad.*

5. *Learned counsel for the petitioners has submitted that the abovesaid statement made by learned State Counsel satisfies the claim of the petitioners and thus, present Civil*

Writ petition has been rendered infructuous and same may kindly be disposed of as such. It is however prayed that the State be bound by the abovesaid statement.

6. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of as having been rendered infructuous.

7. The State would be bound by the abovesaid statement”.

3. It is submitted that thereafter, the Director, Department of Rural Development and Panchayats, Punjab, had passed an order dated 16.08.2024 (Annexure P-4), wherein one of the conclusions arrived at, as stated in para-9 (IV and V), read as under :-

“9) (I) to (III) xxxxx xxxxx xxxxx

(IV) The present matter is fit to be investigated by a specialist agency which is equipped with was powered and accordingly it is recommended that the Vigilance Bureau should make a thorough investigation for all the grants received by the petitioner during her tenure. It is pertinent to mention here that no Utilisation Certificate has been given for the grants utilised by the petitioner. The Vigilance Bureau should also take this point in consideration while doing such enquiry, if allowed.

(V) The aforesaid recommendation to Vigilance Bureau shall be subject to the approval of Hon'ble Punjab and Haryana High Court in the present case.

Accordingly, this enquiry is concluded at the end of this department and all the officers before whom any enquiry is pending are directed to close their enquiries and send all the papers to this office.”

4. It is contended on behalf of the petitioner that now the Director, Department of Rural Development and Panchayats, Punjab, has

passed another order dated 12.11.2024 (Annexure P-19), whereby an investigation team stands constituted under the Chairmanship of Divisional Deputy Director (Panchayat), Patiala alongwith Executive Engineer (Panchayati Raj), Ludhiana and District Development and Panchayat Officer, Ludhiana (respondents No. 2 to 4 herein) and following directions have been issued :-

“ *The following directions are given to the committee :-*

1) Keeping in view COCP 2441 of 2023, self-explanatory report be submitted within three months after hearing both the parties to Hon'ble DRDP.

2) Until the enquiry is over, the custodian of original record of gram panchayat New Rajguru Nagar will be the Divisional Deputy Director (Panchayat), Patiala.

3) If any enquiry regarding gram panchayat New Rajguru Nagar is pending with any of the officers, it should also be sent to the said committee.

4) Various complainants and panches be also got join the enquiry.”

5. It is the contention of learned counsel for the petitioner that once all the inquiries were ordered to be clubbed, vide order dated 17.05.2023 (Annexure P-2), passed by this Court in CWP-10315-2023, the Director, Department of Rural Development and Panchayats, Punjab, could not have marked the inquiry to the Vigilance Bureau and thereafter, again constitute an investigation team, vide impugned order dated 12.11.2024 (Annexure P-19), as noticed above.

6. On the other hand, learned State counsel, on instructions from Mr. Rajeev Kumar, Superintendent, Department of Rural Development and Panchayats, Punjab, submits that when the order

dated 17.05.2023 (Annexure P-2) was passed by this Court in CWP-10315-2013, at that point of time, three inquiries were pending against the petitioner i.e. first before the Executive Engineer, Malerkotla, second before the Zila Parishad and third before the Director, Rural Development and Panchayats, Punjab, however, subsequently the order dated 16.08.2024 (Annexure P-4) was passed, but the same was never referred to the Vigilance Bureau for investigation and rather in compliance of an order dated 22.10.2024, passed by this Court in COCP-2441-2023, the impugned order dated 12.11.2024 (Annexure P-19) was passed, constituting an investigation team to inquire into the financial irregularities committed by the petitioner in the grants received at the relevant time for the development works of the village. It is further stated that the Vigilance department is carrying out an independent inquiry, which has been registered as Vigilance Inquiry No. 6 dated 29.09.2023 at Ludhiana, wherein the subject matter is regarding investigation into the encashment of a cheque of Rs. 95 lacs on the directions issued by the then BDPO Shri Malkiat Singh Bhatti, despite the fact that on 08.01.2022, the code of conduct on account of elections was in operation and the bank accounts relating to the Gram Panchayats were not to be operated upon.

7. Heard.

8. In my considered view, the order dated 12.11.2024 (Annexure P-19), passed by the Secretary, Rural Development and Panchayats Department, Punjab, is in furtherance to the directions issued by this Court in CWP-10315-2023 and a committee has been constituted

to inquire into the financial irregularities committed by the petitioner in the grants received at the relevant time for development works of the village. As far as order dated 16.08.2024 (Annexure P-4) is concerned, it has already been clarified by learned State counsel that the said order was never forwarded to Vigilance Bureau, rather a Vigilance Inquiry No. 6 dated 29.09.2023 at Ludhiana is being conducted by Vigilance Bureau, which is an independent inquiry and on a totally different aspect, as noticed above.

9. In this view of the matter, I find no merit in the instant civil writ petition and the same is accordingly dismissed.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

27.03.2025
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No