



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-16047-2022 (O&M)

Date of decision: 09.07.2025

Dinesh Singh Yadav

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Puneet Bali, Sr. Advocate with
Mr. Aakash Sharma, Advocate for the petitioner(s).

Mr. R.D. Sharma, Sr. DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenging the order of dismissal dated 27.05.2022, passed in connection with the alleged illegalities in disbursement of compensation to the *Jumla Malkan*, committed by the petitioner while serving as the Land Acquisition Officer, the instant writ petition has been filed.

2. Learned counsel submits that the petitioner was a Haryana Civil Services (HCS) Officer, who was last posted as an Additional Director, Food, Civil Supplies and Consumer Affairs Department, prior to his dismissal. He had earlier remained posted as a Land Acquisition Officer, Panchkula, from 04.03.2009 to 02.09.2009. During his said tenure, he was responsible for the acquisition of land and for the disbursement of compensation under Award No.33 dated 28.03.2008. For the said purpose of disbursing compensation to the proprietors, a list of co-sharers was required to be obtained. As per Note 3 of Rule 71 of the Punjab Land Revenue Rules,



such a list of co-sharers shall not be prepared and supplied by the Patwari without the previous sanction of the Collector, unless it is required in connection with a Revenue, Civil, or Criminal case. A similar provision is also contained in paragraph No.3.48 of the Punjab Land Records Manual. Relevant extract thereof reads thus:-

“3.48. Inspection of records of patwari and grant of certified extracts therefrom (land Revenue Rule 71). – (i) The Patwari shall allow any one interested to inspect his records and to take notes therefrom in pencil in his presence. He shall give to the applicants certified extracts and enter in his diary a note of the inspections allowed and extracts given. The following fee shall be charged in each case:-

Sl. No.	Nature of work	Rate of fee
<i>1</i>	<i>2</i>	<i>3</i>
<i>A-Copies or extracts</i>		
<i>1</i>	<i>Inspection of records of patwari and grant of certified extracts therefrom</i>	<i>Inspection of records of patwari and grant of certified extracts therefrom</i>
<i>2</i>	<i>Inspection notes attached to Jamabandis.</i>	<i>Ditto</i>
<i>3</i>	<i>(i) Farad Badar; (ii) Copy of pending mutation (iii) Interrogatories in pending mutations; (iv) Counterfoil of mutation sheets ; and (v) Misal Haqiat</i>	<i>Twenty Rupees per page of the original document</i>
<i>4</i>	<i>Fard Haqiat consisting of names of proprietors or occupancy tenants, total</i>	<i>Twenty Rupees irrespective of the number of khewats</i>



	<i>number of fields, area, land revenue and rate and cesses</i>	
5	<i>List of co-shares of proprietary or occupancy of holdings</i>	<i>Twenty Rupees per page of the original document.</i>

Note:-(1) The patwaris shall not be entitled to retain any share in respect of copying or inspection fees and the fees thus realised shall be credited into the Government Treasury under the head —0029— Land Revenue - 800- other Receipts-07-Copying and Inspection Fee of patwaris Record."

(2) Patwaris are forbidden to prepare and supply copies of extracts of papers not shown in the above table.

(3) List of co-sharers shall not be prepared and supplied without the previous sanction of the Collector unless required in connection with a revenue, civil, or criminal case."

(emphasis supplied)

3. It is submitted that, as per the provisions contained in the Land Records Manual, the responsibility of seeking the requisite sanction from the Collector lay upon the Patwari and not upon the petitioner. Nonetheless, as a measure of abundant caution, the petitioner, vide letter bearing Memo No.3495 dated 02.06.2009, wrote to the Deputy Commissioner, Panchkula,



requesting verification of the list of co-sharers so that compensation pursuant to Award No.33 dated 28.03.2008 could be disbursed. However, no action was taken by the Deputy Commissioner, Panchkula. The petitioner further wrote letters vide Memo Nos.6322 and 6323 dated 24.08.2009 and Memo No.5936 dated 23.07.2009 to the respective Tehsildars, requesting them to send the list of co-sharers of the revenue estates of villages Manak Pur Nanak Chand, Surajpur, and Rajipur, respectively. Needless to mention, disbursement of compensation in a timely manner is an obligation cast upon the Land Acquisition Officer and any undue delay entails substantial statutory interest liability payable to the landowners and may also adversely affect the entire acquisition process. The list of co-sharers was supplied by the Tehsildars for the aforesaid three villages vide letters bearing Memo No.411/O.K. dated 27.08.2009; Memo No.410/O.K. dated 26.08.2009; and Memo No.398/O.K. dated 29.07.2009. There is thus a legal presumption that the requisite prior sanction, as per the Land Records Manual, had already been obtained by the aforesaid officials before the list of co-sharers was furnished. Even otherwise, there is no other prescribed procedure by which the Land Acquisition Collector has to verify whether the requisite sanction of the Collector had been sought by the revenue officials before supplying the list of co-sharers to the Land Acquisition Officer or not. Moreover, it is also not the duty cast upon the Land Acquisition Officer to undertake such a verification.

4. On receipt of the list of co-sharers, compensation amounting to Rs.1,24,47,402/-, Rs.79,05,108/-, and Rs.3,51,88,383/- respectively, was



distributed amongst the proprietors of the aforesaid revenue estates, in accordance with law and as per the shares determined by the respective Tehsildar(s). There is no allegation of the compensation not being distributed, disproportionately distributed or being distributed to non-proprietors. The petitioner was, however, taken by surprise upon being served with the memorandum dated 03.06.2015, intimating initiation of action under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 (hereinafter referred to as the 'Rules of 1987'), on account of alleged acts of omission and commission in the discharge of his duties as Land Acquisition Officer, Panchkula. Thereupon, a list of charges and allegations, along with a list of witnesses, was served upon the petitioner. The following charges were proposed against the petitioner:-

“1. *That the Haryana Urban Development Authority acquired Shamlat land of Gram Panchayat of villages Nank Chand, Surajpur, Razipur and Milk of District Panchkula through award No.33, dated 28.03.2008. He i.e. Sh. Dinesh Singh Yadav, HCS being the Land Acquisition Officer, Panchkula disbursed compensation amount of Rs.1,24,47,402/-, Rs.79,02,108, Rs.3,51,88,383 and Rs.1,97,22,380 respectively amongst the proprietors of the above said villagers without getting the title decided from the Competent Authority. The land in question was recorded either as Shamlat deh or Nagar Sabha.*

2. *That he i.e. Sh. Dinesh Singh Yadav, HCS being*



Land Acquisition Officer, Panchkula in violation of the provisions of para 348 of Punjab Land Record Manual and Rule 71 of Punjab Land Revenue Rules had corresponded directly with Tehsildar Kalka for preparing list of Co-shares whereas correspondence was to be made through the Deputy Commissioner-cum-Collector, Panchkula.

In this way, he committed an act unbecoming of a government servant and violated the provisions of rule 3(i) of the Government Employees (Conduct) Rules, 1966 as well as para 348 of the Punjab Land Record Manual and rule 71 of the Land Revenue Rules.”

5. The petitioner filed his reply to the aforesaid memorandum, which was duly received in the office of the Chief Secretary to the Government of Haryana on 16.10.2015. Notwithstanding the defence taken by the petitioner in the reply, a regular departmental inquiry was ordered into the allegations, and Shri A.K. Singh, IAS, was appointed as the Enquiry Officer vide order dated 22.02.2018 to conduct the inquiry into the charges levelled against the petitioner. The Enquiry Officer submitted his report on 24.06.2019. The relevant extract of the said inquiry report exonerating the petitioner reads thus:-

“FINDING: I have carefully examined the documents exhibited before me by the prosecution, statements of prosecution witnesses, arguments submitted by the prosecution and the arguments of the charged officer, the records submitted by the



charged officer along with his arguments and observe that the land of village Milk as mentioned in the charge memo was not acquired vide Award No.33 dated 28.3.2008 which is clearly established from perusal of Award No.33 dated 28.3.2008. It is further observed that the prosecution has failed to prove that the Gram Panchayats had any title/proprietorship over the lands acquired vide Award No.33 dated 28.3.2008 as vide order dated 13.3.2003 in the case of Jai Singh Vs State of Haryana the Hon'ble High Court had cancelled/set aside all mutations made in favour of the gram panchayats vide Act No.9 of 1992. The copies of mutations submitted by the Charged Officer along with his arguments prove the fact. It is further observed that in view of the order dated 13.3.2003 of the Hon'ble High Court the mutations in favour of Gram Panchayats stood cancelled/set aside. Sh. Makhan Singh, PW in his examination-in-chief has also categorically stated so. The Charged Officer has pointed out that for this reason in similar case of village Saketri, the Reference Court had directed to pay the compensation to the proprietors of village Saketri and the O/o LR. did not find it to be a fit case to file an RFA in the High Court. The Charged Officer has further Pointed out that the proprietors to whom the compensation has been paid against Award No.33 dated 28.3.2008 also went into litigation for enhancement of compensation and got the relief. At no point of



time the Government or Gram Panchayat or any other person, legal or natural, has asserted before the courts that the said land belongs to Gram Panchayat and the petitioners were not entitled to receive compensation and ask for enhancement. Further, till date no steps have been initiated by the Govt. of even the Gram Panchayat or the successor Municipal Authorities to recover the amount from the persons who received the compensation wrongfully as alleged in the charge memo. I tend to agree with the above arguments of the Charged Officer. In view of the above observations Charge No.1 is held not proved against the Charged Office.

In respect of Charge No. 2, though it has come on record that letters were written by the office of Land Acquisition Officer, Urban Estate, Panchkula between July, 2009 to August, 2009 to the Tehsildar, Kalka to intimate the names of the co-sharers, I do not find any fault with the charged officer because as per provisions of para 3.48 of Land Records Manual and Rule 71 of the Land Revenue Rules the duty is cast on the revenue officials to get the permission of the Collector before intimating the names of the co-sharers/shareholders, therefore, the O/o Tehsildar, Kalka is responsible for violating the provisions of the Land Records Manual & Rule 71 of the Land Revenue Rules and not a department/officer who is acquiring the land which requires any such



delineation/identification of Co-sharers The LAO is to approach the Revenue Authority in the area, whether DC/DRO/CRO, and that Revenue authority has to examine the same in line with their own code, manual, instructions, policy, regulations, rules and laws. Thus, apparently, the then CRO/Tehsildar failed to do. Thus in my view no fault can be attributed to the charged officer.”

(emphasis supplied)

6. Notwithstanding that the charges against the petitioner had not been proved, the Financial Commissioner-cum-Principal Secretary to the Government of Haryana recorded a dissenting note by placing reliance on the judgment of this Court in CWP-12310-2009 titled *Bharat Singh vs. State of Haryana and others*.

7. The petitioner submitted his response on 24.06.2020, wherein it was further submitted that the dissenting note was not based upon the correct interpretation and application of law and that the proceedings ought to be dropped. The same was not accepted and the petitioner was called for a personal hearing on 15.02.2022, where he reiterated his stand. The respondents finally passed the impugned order dated 22.04.2022 whereby punishment of dismissal from service was imposed upon the petitioner. The matter was sent to the Haryana Public Service Commission for concurrence and on receipt of approval, the dismissal order dated 27.05.2022 was thereafter served upon the petitioner, against which the instant writ petition has been filed.



8. Learned counsel appearing on behalf of the petitioner contends that the impugned order of dismissal has been passed notwithstanding the specific finding of the Enquiry Officer to the effect that the charges against the petitioner were not proved by the respondent-department. It is submitted that the Enquiry Officer specifically recorded that the title or proprietorship vested in the Gram Panchayat under Act No.09/1992 laying the basis of charge-sheet had already been set aside by this Court vide its judgment dated 13.03.2003 in CWP-5877-1992 titled *Jai Singh and others vs. State of Haryana*. Consequently, there was a lawful basis for holding that the Panchayat was not the owner of the aforesaid land. Further, vide Memo No.S-1-2005/23620-23800 dated 06.09.2005, the Financial Commissioner-cum-Principal Secretary, Government of Haryana, Department of Development and Panchayat, directed all Deputy Commissioners and other officials to cancel all mutations entered pursuant to Act No.9/1992, in view of the Full Bench judgment of this Court in *Jai Singh and others* (supra), so as to avoid litigation and contempt proceedings.

9. Learned counsel further submits that the Enquiry Officer also recorded a specific finding that, under similar circumstances, in relation to village *Saketri*, the reference Court had already directed payment of compensation to the proprietors, an order which was never challenged by either the Gram Panchayat or the Municipal Corporation. It was also observed that eventually the owners/proprietors had preferred references against Award No.33 dated 28.03.2008 and that at no stage did the Government, Gram Panchayat, or Municipal Body challenge the



disbursement of compensation to the proprietors or seek recovery thereof. No person has claimed any revenue loss or disputed the title over the said land or raised any claim against the disbursement.

10. Counsel argues that the respondent-authorities miserably failed to consider that the Full Bench of this Court, in *Jai Singh and others* (supra), had set aside all mutations entered under Act No.9 of 1992 and left it open to the Gram Panchayat to file a title suit under Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961. To date, no such suit for eviction under Section 7, or title suit under Section 13A of the Act of 1961, has been filed by the Gram Panchayats of the said villages. This demonstrates that neither the Government, Gram Panchayat, nor Local Bodies claimed any title over the land or alleged unauthorized possession by the proprietors.

11. Further, referring to the judgment dated 21.05.2012 in *Bharat Singh* (supra), learned counsel submits that the order impugned was passed in a ministerial manner as is evident from the fact that a later judgment of 2012 is being applied against the petitioner without regard to the disbursement of compensation in 2009. He reiterates that the Enquiry Officer affirmed that no obligation was cast on the Land Acquisition Officer to seek sanction from the Collector as per the Land Records Manual, hence, the liability leading to dismissal cannot be cast on the petitioner. It is submitted that the petitioner had an unblemished career and was an asset to the organization, but all facts and service record was completely ignored by the respondent-authorities.



12. It is further submitted that proceedings were also initiated against the then Tehsildar who supplied the list of proprietors and punishment of dismissal from Government service was imposed upon him on 26.04.2019. The said order was challenged by him in CWP-18244-2019 titled as 'Ishwar Chand Vs State of Haryana' and the said writ petition was allowed by this Court, by setting aside the dismissal order after recording a specific finding that no material existed to establish misappropriation or malfeasance on the part of the Tehsildar in submission of the list of proprietors. All contentions of the Government were specifically addressed, and no illegality or perversity was found in the Tehsildar's actions. The respondent-State has not filed any appeal against that judgment, which has now attained finality between the parties.

13. Learned counsel submits that the petitioner's case is on a better footing as compared to the Tehsildar's, since the Enquiry Officer had exonerated the petitioner of allegations leveled against him. Since, to date, no claim has been lodged by any person asserting entitlement to the compensation disbursed, nor is there any allegation of embezzlement or misappropriation against the petitioner, the petitioner's case is thus considerably stronger, and the impugned order of dismissal deserves to be set aside.

14. Counsel appearing on behalf of the respondent-State has vehemently argued that, although the charges against the petitioner were not proved during the disciplinary proceedings, a dissenting note was lawfully recorded by the disciplinary authority and the penalty of dismissal from



service was imposed as per the procedure prescribed by law and after affording the petitioner an adequate opportunity to present his defence. It is further submitted that a criminal case was also registered against the petitioner bearing FIR No.71 dated 22.04.2011, in which charges were framed by the trial Court on 07.07.2018. The petitioner is thus not entitled to any benefit and the order of dismissal, passed in accordance to the provisions of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, is valid and sustainable.

15. Neither any other argument has been raised before this Court nor has any judgment been cited by counsel for the respective parties.

16. I have heard learned counsel appearing for the respective parties and have carefully perused the documents annexed with the present writ petition, with their able assistance.

17. Undisputedly, the charge leveled against the petitioner was limited to the extent that compensation had been disbursed amongst the proprietors of the said villages without obtaining the title sanction from the competent authority. It also remains undisputed that no claim of any nature whatsoever has been filed by any other person viz. the Gram Panchayat, Local Bodies, or the State Government alleging that the disbursement of compensation has been made to any ineligible persons or that the land in question was not *Jumla Malkan* Land and was, in fact, a *Shamlat* land. It is also not in dispute that no proceedings under Section 7 or Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961, have been instituted by the Gram Panchayat or any other resident at any point in time.



Undisputedly, even at the stage of reference, no person claimed title or sought apportionment of compensation as owners of the said land. The disciplinary proceedings were thus initiated on account of the earlier mutations that were sanctioned in favour of the Gram Panchayat pursuant to Act No. 9/1992, notwithstanding that the statutory enactment had already been set aside by the Full Bench of this High Court in *Jai Singh and others* (supra), and the authorities were directed to restore the earlier mutations. In this regard, the Financial Commissioner-cum-Principal Secretary to the Government of Haryana himself wrote a letter to all the Deputy Commissioners on 06.09.2005, in compliance to the judgment in *Jai Singh and others* (supra).

18. Further, it is also evident that while recording the dissent note, the Financial Commissioner-cum-Principal Secretary to the Government of Haryana has relied upon the judgment in the matter of *Bharat Singh* (supra), which was delivered in the year 2012. The compensation, however, had already been disbursed in 2009, and therefore, the subsequent judgment cannot form the foundation for initiation of proceedings against the petitioner. Moreover, nothing has been also placed on record by the respondents to establish that the Land Acquisition Officer was under any obligation or statutory responsibility to seek prior sanction from the Collector before disbursing compensation in terms of the award. It is also undisputed that the petitioner had communicated with the Deputy Commissioner and also that the list of proprietors was furnished by the Tehsildar and that disbursement of compensation was made pro rata in



accordance with the shares reflected by the Tehsildar in his records. Notably, there is no allegation in the charge-sheet that any revenue loss has occurred to any of the authorities concerned. A mere allegation of wrongful disbursement, without identifying the rightful owners of the land or showing that any such rightful owner has claimed the compensation, demonstrates that the proceedings initiated against the petitioner were undertaken without objectively examining the allegations, verifying the claim made in the charge-sheet or establishing whether any loss has actually occurred to any person or juristic entity. The applicable norms for disbursement of compensation had thus been adhered to with respect to the acquired land, and even after lapse of nearly 17 years, no third person has raised any claim for the aforesaid compensation. Furthermore, the writ petition filed by the then Tehsildar, Shri Ishwar Chand, bearing CWP No.18244 of 2019, was allowed vide judgment dated 17.02.2025, which has attained finality. It was recorded therein that the respondent-department had failed to establish any embezzlement or loss to the State Exchequer. Therefore, considering the allegations from any perspective, the error, if any, may be regarded, at best, as an administrative lapse, which does not warrant the imposition of the punishment of dismissal from service. The said punishment is thus disproportionate and excessively harsh. An extreme punishment of dismissal from service is not a norm but has to be imposed in proven charges of gross misconduct and where the service record reveals an employee to be incorrigible. The extreme punishment may not be desirable in a case where despite broad probabilities, the charge does not actually stand established



and the dissent note relies upon legal principles laid down in later judgment. Besides, it is not even the charge that any mandate of *Bharat Singh (supra)* had been violated. The later conduct of respondents and total absence of any claim over disbursed compensation rather goes in favour of the petitioner and *prima facie* leads to a conclusion that the disbursement was proper. Consequently, the writ petition is **allowed**, and the impugned order of dismissal dated 27.05.2022 is hereby set aside.

19. The petitioner is hereby ordered to be reinstated in service. He shall however be entitled only to notional benefits for the period from the date of his dismissal till the date of this order or till his superannuation, whichever is earlier.

(VINOD S. BHARDWAJ)
JUDGE

09.07.2025

Mangal Singh

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