

**HARYANA VIDHAN SABHA**

**COMMITTEE ON PETITIONS**

**(2022-2023)**

**(TWELFTH REPORT)**

**REPORT**  
**on**  
**Various Petitions/Representations received by**  
**the Committee**



(Presented to the House on 22<sup>nd</sup> March, 2023)

**HARYANA VIDHAN SABHA SECRETARIAT**  
**CHANDIGARH**  
**2023**

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**COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2022-2023)**

**CHAIRPERSON**

1. Shri Ghanshyam Dass Arora, MLA

**MEMBERS**

2. Shri Jagbir Singh Malik, MLA,
3. Smt. Geeta Bhukkal, MLA
4. Smt. Shakuntla Khatak, MLA
5. Shri Leela Ram, MLA
6. Shri Laxman Singh Yadav, MLA
7. Shri Sanjay Singh, MLA
8. Shri Ram Niwas, MLA
9. Shri Sombir Sangwan, MLA

**SPECIAL INVITEE**

- \*10. Shri Ram Kumar Kashyap, MLA

\*Vide notification No. HVS/Petitions/1/2022-23/55, dated 11<sup>th</sup> May, 2022. The Hon'ble Speaker has been pleased to nominate Shri Ram Kumar Kashyap, MLA to serve the Committee on Petitions as a special Invitee for the remaining period of the 2022-23.

**SECRETARIAT**

1. Shri Rajender Kumar Nandal, Secretary
2. Shri Pushpender, Under Secretary



## **INTRODUCTION**

1. I, Ghanshyam Dass Arora, Chairperson of the Committee on Petitions having been authorized by the Committee in this behalf, present this Twelfth Report of the Committee on Petitions on the various Petitions/Representations received by the Committee.
2. The Committee considered all the Petitions/ Representations as per the details given in the Report and examined the concerned Government Officers. The Committee made its observations and has tried its level best to redress the grievances of the Petitioners/ Applicants to the maximum extent.
3. The Committee considered and approved this report at its sitting held on 12<sup>th</sup> March, 2023.
4. A brief record of the proceedings of the meetings of the Committee has been kept in the Haryana Vidhan Sabha Secretariat.
5. The Committee would like to express their thanks to the Government Officers and other representatives of various departments who appeared for oral evidence before them for the cooperation in giving information to the Committee.
6. The Committee is also thankful to the Secretary, Under Secretary and other Officer/Officials of Haryana Vidhan Sabha Secretariat for their whole hearted cooperation and assistance given by them to the Committee.

Chandigarh  
The 12<sup>th</sup> March, 2023

**(GHANSHYAM DASS ARORA)**  
**CHAIRPERSON**



## **REPORT**

The Committee on Petitions for the year 2022-23 consisting of Nine Members were nominated by the Hon'ble Speaker, Haryana Vidhan Sabha on 22<sup>nd</sup> April, 2022 under Rule 268 of the Rules of Procedure and Conduct of Business in Haryana Legislative Assembly. Shri Ghanshyam Dass Arora, MLA was nominated as Chairperson of the Committee by the Hon'ble Speaker. One special invitee was also nominated by the Hon'ble Speaker to serve on this Committee.

The Committee held 48 sittings during the year 2022-23 (till finalization of the Report).



**1. PETITION/REPRESENTATION RECEIVED FROM SHRI ANIL KUMAR, DPE, GSSS PANIHARI, DISTRICT SIRSA, REGARDING NOT CALLING UP FOR THE COUNSELING TO ADJUST DPE (TGT PHYSICAL EDUCATION) TO POST OF ASSISTANT EDUCATION OFFICER (SPORTS) AT DISTRICT EDUCATION OFFICER IN ORDER OF CWP NO 25666 OF 2013 WHICH READS AS UNDER: -**

सेवा में,

चेयरमैन  
पेटीशन कमेटी हरियाणा विधानसभा।  
चण्डीगढ़।

**विषय:—** निदेशक मौलिक शिक्षा हरियाणा पंचकूला द्वारा सीडब्ल्यूपी नंबर 25666 आफ 2013 के अनुसार डी पी ई के पद से सहायक शिक्षा अधिकारी खेल के पद पर काउंसलिंग न करने बारे।

श्रीमान जी,

निवेदन है कि CWP नंबर 25666 ऑफ 2013 राजेंद्र सिंह बनाम हरियाणा सरकार के निर्णय अनुसार निदेशक मौलिक शिक्षा हरियाणा पंचकूला के पत्र क्रमांक 17/12-14HRM-1(1) दिनांक 01/01/15 के अनुसार जिला शिक्षा अधिकारी कार्यालय में सहायक शिक्षा अधिकारी खेल के पद पर हरियाणा के वरिष्ठ डीपीई को नियुक्त किया जाता रहा है इसके पश्चात् भी निदेशक मौलिक शिक्षा हरियाणा के पत्र क्रमांक 12/17/-2014 HRM-1(1) दिनांक 16/09/2016 के अनुसार व 2018 में भी विभाग द्वारा काउंसलिंग कर इस पद को भरा जाता है परंतु अब लगभग 2 वर्ष बीत जाने पर वह 12 जिलों में यह पद खाली होने पर भी इस पद हेतु शिक्षा विभाग द्वारा कोई कारवाई नहीं की जा रही है जिससे माननीय उच्च न्यायालय के आदेशों की उल्लंघना हो रही है।

इसके अलावा आधे से ज्यादा जिलों में वरिष्ठता की अनदेखी कर सीनियर के ऊपर जूनियर डीपी ई को प्रतिनियुक्त किया गया है जिससे सीनियर अध्यापकों में हीन भावना पैदा हो रही है जिससे हरियाणा भर में खेल गतिविधियां भी प्रभावित हो रही है अतः आपसे प्रार्थना है कि माननीय उच्च न्यायालय के निर्णय को लागू करवाने का कष्ट करें तथा सीनियर अध्यापकों के हितों की रक्षा करने का कष्ट करें।

प्रार्थी  
हस्ता  
अनिल कुमार  
डीपी ई जी.एस.एस.एस.  
पनीहारी (सिरसा)

The Petition/Representation was placed before the Committee in its meeting held on 11.02.2020 and the Committee desired that comments/reply of the concerned Department may be obtained within 15 days. The Committee orally examined the departmental representatives and petitioner/applicant in its meeting held on 21.07.2020 and during the course of oral examination, the Committee observed that the department submit the report to the Committee

after getting decision from the Government in this matter. The concerned department submit its report, which reads as under: -

To

The Secretary  
Haryana Vidhan Sabha Secretariat  
Chandigarh (U.T.)

Memo No.15/71-2019 HRM-I (1) Dated Panchkula, the 15 4 2021

**Subject:- Regarding submission of status report in case of not calling up for counselling to adjust DPE (TGT Physical Education) to post of Assistant Education Officer (Sports) at District Education Office in order of CWP No.25666 of 2013.**

Kindly refer to your office Memo No. HVS/Petition/683/2019-20/12385 dated 07.09.2020, and in continuation of this office Memo No. 15/71-2019 HRM-1 (1) dated 14.09.2020.

It is submitted that this Department vide its submissions dated 06.07.2020 has already produced the facts of formulation of a five-member committee to take a fresh decision regarding appointment of Assistant Education Officer (Sports) in office of every District Education Officer in the State. In Civil Writ Petition No.25666 of 2013- Rajinder Kumar & others Vs. State of Haryana & others, while submitting written statement, this department took a stand that the post of Assistant Education Officer (Sports) i.e. AEO (Sports) as available at District Education Office would be filled up as per policy defined herein as under: -

- 1. All AEOs may be posted as per seniority basis through counselling. If any person is not interested in his/her posting, next senior may be given chance.**
- 2. In case of retirement or vacancy due to any reasons, temporary arrangements can be made by giving charge to any senior most DPE from the DPES seniority in the district.**
- 3. Fresh decision regarding posting of AEOs may be taken after posting of PGT (Physical Education).**

To settle this issue finally, the Additional Chief Secretary to Govt. Haryana, School Education Department, Chandigarh has constituted a committee vide U.O. No.15/71-2019 HRM-I (1) dated 18.06.2020 having member as under: -

- 1. Sh. Anil Nagar, Joint Director Administration-Chairman**
- 2. Dr. Dilbag Singh, Joint Director-Member**

3. **Sh. Kuldeep Mehta, Assistant Director (Co.)- Member**
4. **Sh. Manoj Kumar, Programme Officer (Sports)- Member**
5. **Sh. Ram Kumar, Programme Officer-Member**

The report of the committee was submitted to Govt. of Haryana for approval/decision for adjustment to the post of AEOs (Sports) from PGT (Physical Education) or DPE/TGT (Physical Education). Now Hon'ble Chief Minister has approved the proposal/ recommendation of the committee to fill up the post of AEOs on seniority cum merit basis amongst the PGTs (Physical Education) working in the Haryana State and Director Secondary Education Haryana has been requested vide letter no. 15/71-2019 HRM-I (1) dated 15.04.2021 for posting of eligible PGTs (Physical Education) as AEO (Sports) at the earliest in the District Education Offices.

-sd-

Joint Director,  
Director General  
Elementary Education  
Haryana, Panchkula.

After detailed discussion, the Committee satisfied with the reply of concerned department, the petition/representation is disposed off accordingly in its meeting held on 04.05.2022.

2. **PETITION/REPRESENTATION RECEIVED FROM SHRI BANARSI DASS SHARMA H.NO. 454, HARI VISHNU COLONY, KANGANPUR ROAD, SIRSA REGARDING PRAYER TO CONDON PERIOD OF RAM PARKASH LECTURER IN ENGLISH I.D. 038247 REFERENCE NUMBER DSE 16/105-2008 HRL-II., WHICH READS AS UNDER: -**

To

Worthy Chairman,  
Petition Committee, Haryana Vidhan Sabha,  
Chandigarh.

**Subject: - REGARDING PRAYER TO CONDON PERIOD OF RAM PARKASH LECTURER IN ENGLISH I.D. 038247 REFERENCE NUMBER DSE 16/105-2008 HRL-II**

Sir,

Reference to the subject matter, it is respectfully submitted that a criminal case was registered against my son u/s 420 of IPC in 2008. Consequently, his services remained under suspension w.e.f. 01.11.2008 to 13.08.2015.

However, the trial court exonerated him on 14.10.2013. Later on appeal of the state against him was dismissed on 21.12.2016. The state preferred not to go for further appeal. There is no time limits left with the state to go for any kind of appeal. Evidently there cannot be any other litigation on the issue.

It is pertinent to add that the School Education Department Haryana has never filed any complaint against him with any agency instead the department-initiated enquiry which was decided in his favour.

On all these grounds, the department itself reinstated his services on 14.08.2015 but so far it has not considered the suspension period as duty period no lapses on his part could be found in the second enquiry as well.

All representations were but in vain. Therefore, it is requested that the School Education Department may kindly be advised to treat the period of suspension as duty period as per rule.

I shall be thankful to you.

Yours faithfully

-Sd-

Banarsi Dass Sharma H.No.  
454, Hari Vishnu Colony,  
Kanganpur road, Sirsa.

The Petition/Representation was placed before the Committee in its meeting held on 07.07.2020 and the Committee desired that comments/reply of the concerned department may be obtained within a period of 10 days. The reply was received from the concerned department, which reads as under: -

सेवा में

अध्यक्ष,  
याचिका समिति,  
हरियाणा विधान सभा सचिवालय,  
सेक्टर-1 चंडीगढ़

यादी क्रमांक 16/105-2008 पी०जी०टी०-111(9) दिनांक पंचकूला 29.04.2021

**विषय :- Regarding Period Condone case of Sh- Ram Parkash Sharma, (038247) PGT English] GSSS Nazadela Khurd, District Sirsa.**

उपरोक्त विषय में आपके कार्यालय के यादी क्रमांक नं. HVS/Petition/14/691/2020&21/3452 दिनांक 09-07-2020 के संदर्भ में।

विषयांकित मामले में अंकित किया जाता है कि श्री बनारसी दास शर्मा, मकान न० 454, हरि विष्णु कालोनी, कंगनपूर रोड, सिरसा ने अपने प्रतिवेदन के माध्यम से अध्यक्ष, पेंटीशन कमेटी, हरियाणा विधान सभा, चण्डीगढ़ में श्री राम प्रकाश शर्मा, पी.जी.टी. अंग्रेजी के निलंबित अवधि दिनांक 01.11.2008 से

13.08.2015 तक को ड्यूटी पीरियड मानने हेतु पेटिशन कमेटी, हरियाणा विधान सभा, चण्डीगढ़ में याचिका दर्ज की हुई है।

इस संदर्भ में अंकित किया जाता है कि निदेशालय के आदेश क्रमांक 11/26-2020 PGT-III (9) दिनांक 17.02.2021 के तहत सक्षम अधिकारी द्वारा बोलती भाषा के आदेश पारित करते हुए वादी के क्लेम को निरस्त कर दिया गया है जिसकी प्रति पत्र के साथ सलंगन है। अतः मामला अध्यक्ष, पेटिशन कमेटी हरियाणा विधान सभा, चण्डीगढ़ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

**सलंगन:- बोलती भाषा के आदेशों की प्रति**

हस्ता

अधीक्षक पी०जी०टी०-III

कृते: निदेशक सैकेण्डरी शिक्षा,

हरियाणा पंचकुला।

**GOVERNMENT OF HARYANA  
SCHOOL EDUCATION DEPARTMENT  
ORDER**

**No. 11/26-2020PGT-111(9)      Dated, Chandigarh the 17/02/2021**

Whereas, the Sh. Ram Parkash Sharma filed CWP No. 7401 of 2020 titled as Ram Parkash Sharma V/s State of Haryana and ors before the Hon'ble High Court praying therein to consider his suspension period as regular and to accord him the consequential benefits there under with interest at the rate of 24% per annum.

The Hon'ble High Court on dated 20.05.2020 was disposed of the same with following directions: -

*"The present writ petition is disposed of with a direction to the respondents to look into the representation of the petitioner Annexure P-6, which is stated to be pending since the year 2015, and decide the same expeditiously, preferably within a period of 3 months from today.*

*The petitioner would be at liberty to approach this Court again in accordance with law, if need be"*

In compliance of the said order, the representation (Annexure P-6) of Sh. Ram Parkash Sharma has duly examined and found that he was charge sheeted under Rule-7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987 vide order no. 16/105-2008 HRL (2) dated, 27.11.2008, on the basis of FIR No. 02 dated 22.01.2007 under section 218, 420, 467, 468 and 471 IPC, 1860 at Police Station, SVB, District Hisar.

Whereas, a Criminal Case No. 79-1 of 2009/2012 State V/s Ram Parkash was registered and trial was conducted wherein the Hon'ble Judicial Magistrate, Sirsa vide its order dated 14.10.2013 decided Criminal Case and the relevant portion of the same is reproduced as under: -

*"Following therefrom, the prosecution has miserably failed to prove the guilt of the accused beyond shadow of all reasonable doubts, for which the accused deserves to receive benefits of doubt. Hence, granting the accused benefit of doubt, he is hereby acquitted of the charge levelled against him. His bail bond and surety bond stand discharged. File be consigned to the records after due compliance."*

Consequently, Sh. V.P. Batra, IAS (Retired) as inquiry officer vide report dated 21.11.2014/20.06.2018 concluding the departmental enquiry against the petitioner has concluded as under: -

*"The findings in this case is not different to that of Judicial Court because Sh. Ram Parkash Sharma, PGT has been acquitted after scrutiny of all the facts."*

It is relevant to mention that in order to treat the suspension period into duty period the following provision has been made in Rule-90 of HCS (General) Rules, 2016 and the same is reproduced here as under: -

*90. Pay and allowances if not fully exonerated: -*

*Where the competent authority is of the opinion that the Government employee has not been fully exonerated, he shall be given such proportion of pay and allowances as the competent authority may prescribe. The payment of allowances shall be subject to all other conditions under which such allowances are admissible. The period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be treated as duty for any specified purpose.*

*Note 1.- If no order is passed to treat the period of absence as duty for any specified purpose, the period of absence shall be treated as 'non-duty. In such event, the past service (i.e. service rendered before dismissal removal, compulsory retirement or suspension) shall not be forfeited.*

*Note. 2- Except as per provision in Note 2 below rule 89, in all other cases on reinstatement after suspension, the date of re- instatement shall be the date on which the Government employee assumes charge of his post. For the intervening period from the date of order of re-instatement to date of assumption of charge the Government employee shall also be treated as remained under suspension.*

Whereas, since Sh. Ram Parkash Sharma was not fully exonerated by the Ld. Trial Court vide its judgment dated 14.10.2013 as his acquittal was based on benefit of doubt. Hence, there is no justification to treat his suspension period as duty period and to allow him any pay and allowances beyond subsistence allowances. The case of Sh. Ram Parkash Sharma falls under Rule 90 of Haryana Civil Services (General) Rules, 2016 is applicable which is self-explanatory. Moreover, no work no pay principle is also applicable in the present matter.

Therefore, keeping in view the above said facts and circumstances; Government is of considered view that Sh. Ram Parkash Sharma, PGT English is not entitled for any pay and allowances besides the subsistence allowance has already been paid to him. The suspension period from 01.11.2008 to 14.08.2015 is also treated as non-duty period.

It is ordered accordingly.

-Sd-

**(Dr. Mahavir Singh), IAS  
Additional Chief Secretary to Govt.  
Haryana School Education Department.**

After detailed discussion, the Committee satisfied with the reply of concerned department and the petition/representation is disposed off accordingly in its meeting held on 04.05.2022.

- 3. PETITION/REPRESENTATION RECEIVED FROM SMT. RAJANI SINGH W/O KAMAL SINGH, R/O WOMEN DLF WELFARE ASSOCIATION FARIDABAD AND OTHERS REGARDING FILING THE REVIEW/SLP AGAINST THE ORDER DT. 28.05.2020 PASSED BY HON'BLE HIGH COURT IN CWP NO. 29604 OF 2017 TITLED M/s KRISHNA INDUSTRIES V/s STATE OF HARYANA & OTHERS AND FURTHER TO PROBE THE FRAUD COMMITTED BY PROPRIETORS OF M/s KRISHNA INDUSTRIES IN PROCURING THE CHANGE OF LAND USE (CLU) OF PLOT NO 68/1 IN DLF-1 INDUSTRIAL AREA FARIDABAD IN ACTIVE CONNIVANCE WITH MUNICIPAL CORPORATION FARIDABAD AND HIGHER AUTHORITIES OF THE DEPARTMENT OF URBAN LOCAL BODIES, HARYANA, WHICH READS AS UNDER:-**

To

The Hon'ble Chairman  
Committee on Petitions  
Haryana Vidhan Sabha.  
Chandigarh.

- Sub: For filing the Review/SLP against the order dt. 28.05.2020 passed by Hon'ble High Court in CWP No. 29604 of 2017 titled M/s Krishna Industries v/s State of Haryana & others and further to probe the fraud committed by proprietors of M/s Krishna Industries in procuring the Change of Land Use (CLU) of plot no. 68/1 in DLF-1 Industrial Area Faridabad in active connivance with Municipal Corporation Faridabad and higher authorities of the department of Urban Local Bodies Haryana.**

Sir,

We would like to draw your kind and immediate attention in the matter of extreme urgency and of public importance mentioned in subject cited above where the owners of this plot who have continued to enjoy political patronage from both Congress and the BJP and have been flouting rules in the open.

It is humbly submitted that the plot no 68/1 in DLF-1 Faridabad measuring one acre was initially allotted way back in the year 1973 for the purpose of using it as a community Hall as per the site plan sanctioned at that time. The said plot was purchased by present owner in the year 2006 and as per the conditions of conveyance deed also it could have been used only for the purposes of community Hall. Even the revised building plan was got approved in 2008 by District Town Planner for using it as community Hall and the plot was used as such for many years.

Thereafter the owner of the said plot based on some procured documents misrepresented the Municipal Corporation Faridabad for allotting the Industrial plot no. of the said plot in 2014 and managed to get the present number. Based on that the owners also managed to get the said plot registered for the purposes of house tax water tax, sewer tax, fire tax etc. On the basis of false representation and in active collusion of officials of Municipal Corporation Faridabad, the owner fraudulently procured the license u/s 330 of Haryana Municipal Act, 1994 and also got procured one letter to get charged the house tax as if it is an industrial unit to further support his claim After getting the license on the basis of misrepresentation, its tenant Ms. Jiva Designs Pvt. Lal procured the registration and license to run its unit as a factory under the Factories Act and also got NOC and Consent to Operate issued by the Haryana Pollution Control Board.

Surprisingly the entire fraud was going on with the active connivance of concerned departments and the local politicians of Faridabad belonging to both Congress and the BJP. Up until someone complained about all the illegalities, irregularities and the fraud committed by its owner without their being any permission to use it for industrial purposes. The matter was highlighted in the media which prompted the departments to withdraw the illegal permissions immediately to avoid further implications.

The owner then immediately applied for the change of land use (CLU) for its plot to convert it as industrial plot in place of community hall for the first time. Since there was no policy as such nor their being any legal claim of the owner, the application was rejected outrightly as the same bound to be rejected vide letter dated 18.11.2017. Since the entire construction and the industrial activities which were being carried out illegally were liable to be stopped/removed, the department has also issued notice dated 14.12.2017 to the owner to stop the activities completely and to remove the constriction immediately.



The owners also indulged/resorted to fraudulent practises when they got filed an appeal before the Pollution Appellate authority through their tenants challenging the decision of pollution department vide which the NOC and the consent to operate the industrial unit was withdrawn. The Appellate authority vide its order dated 03.07.2017 not only dismissed the appeal but also deprecated the fraudulent effort of owners who through the appeal tried get their illegal industrial unit regularised. In the said order the Appellate authority even went on to observe to initiate administrative action against authorities who allowed and aided the said illegal act to carry on. Since the said order was never challenged, it attained finality in 2017.

Now, we came to know that the owner had filed a case CWP No. 29604 of 2017 in the Hon'ble High Court and the Hon'ble High Court has allowed the case on 28.05.2020 and asked the department to grant the CLU immediately. When we saw the judgment, some shocking facts came to our notice. The owner has filed the case by concealing material facts from the Hon'ble Court and has taken the Hon'ble Court for a ride. Surprisingly the stand taken by the Municipal Corporation before the Hon'ble Court is also vague and they have also concealed some material facts and documents which can go to the roots of the case. Surprisingly, nothing has been said or disclosed about the order passed by the Pollution Appellate Authority in the said Writ Petition, nor the department has highlighted this fact in its reply. It seems the department has also intentionally withheld/concealed all the material information to outrightly to help the owner. Similarly, the role played by the Town and Country planning department is suspicious as the department has not brought all the facts and legal position to the knowledge of those concerned. It shows when all the doors were closed to the owner, a conspiracy was hatched in connivance with the department officials that the owner would approach the Hon'ble High Court by misrepresenting the facts of its case and the department officials would not defend the corporation properly by concealing the material facts and important documents relating to the case and consequently they have succeeded in their evil game. Now we strongly believe that the owner would also manage and influence the department not to challenge the said order before the Hon'ble Supreme Court.

Sir, if the above is allowed to continue then it will create a wrong precedent and any such like persons with wrong intentions all over the state will manipulate and manage the authorities for ulterior motives by creating false documents and can get such permissions in any locality in violations of conditions which would lead to property anarchy in the State. This, matter should be investigated properly, and the officers should be taken into task. The facts mentioned above clearly reveal that the owners have deep pockets and enjoy political patronage.

Sir, we would therefore humbly request to your good self to direct the Department/Municipal Corporation Faridabad concerned to immediately file the review petition immediately before the Hon'ble High Court at the first instance by putting its case strongly with all the material documents and facts which

were earlier withheld and if further need arises, to file the Appeal before Hon'ble Supreme Court. We firmly believe that the Hon'ble Court would definitely appreciate the new facts and the deliberate concealments.

We would also request your good self to immediately probe the role of all the persons involved in this entire matter regarding the criminal angle so that the matter may be reached to its logical conclusion

Since there is no community hall services in DLF Sector where a common man can hold social function and that's why the site was reserved for community services by DIF. By changing the nature of this site to industrial area will cause an irreparable to community large residing in and around DLF area.

Kind regards

Thanking you,

-Sd-

Yours truly,

Rajani Singh W/o Kamal Singh  
R/o Women DLF Welfare Association  
Faridabad & others.

The Petition/Representation was placed before the Committee in its meeting held on 07.07.2020 and the Committee desired that comments/reply of the concerned department may be obtained within a period of 10 days. The reply was received from the concerned department, which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha Secretariat.  
Sector 1, Chandigarh.

Memo No. DULB/TP/ATP-II/2021/2486 Dated: 17/05/2021.

**Sub:- Regarding filing the review/LP against the order dt. 28.05.2020 passed by Hon'ble High Court in CWP No. 29604 of 2017 titled M/s Krishna Industries V/S State of Haryana and others and further to probe the fraud committed by proprietors of M/s Krishna Industries in procuring the Change of Land Use (CLU) of plot no. 68/1 in DLF-1 Industrial Area Faridabad in Active connivance with Municipal Corporation Faridabad and higher authorities of the department of Urban Local Bodies Haryana.**

Kindly refer your memo no. HVS/Petition/14/689/2020-21/10275, dated 10.08.2020, this office memo no. DULB/TP/ATP-II/2020/4954 dated 20.08.2020 and memo no. HVS/Petition/14/689/2020-21/7690, dated 22.04.2021 on the matter cited as subject above.

2. It is submitted that vide memo no. HVS/Petition/14/689/2020-21/7690, dated 22.04.2021, it has been informed that the committee has not received any comments/reply. In this regard it is intimated that in reference to your memo no. HVS/Petition/14/ 689/2020-21/10275, dated 10.08.2020, this office submitted the status of the case at that time vide memo no. DULO/TP/ATP-11/2020/4984 dated 20.08.2020.

3. Now, it is informed that this office after obtaining legal opinion from Ld. AG, Haryana asked the Commissioner, Municipal Corporation, Faridabad to file SLP against the order dated 28.5.2020 passed by the Hon'ble High Court in CWP No. 29604 of 2017. Accordingly, Commissioner, Municipal Corporation, Faridabad has filed SLP no. 12072 of 2020 in the Hon'ble Apex Court and **the Hon'ble Apex Court vide order dated 29.10.2020 has stayed the impugned judgement and order dated 28.05.2020 passed by the Hon'ble High Court.**

-Sd-

(Sunil Verma)  
Assistant Town Planner,  
for Director, Urban Local  
Bodies, Haryana, Panchkula

After detailed discussion, the Committee satisfied with the reply of departmental representatives and the matter is Sub-judice. The petition/representation is disposed off accordingly in its meeting held on 04.05.2022.

**4. PETITION/REPRESENTATION RECEIVED FROM SHRI JAGMAAL S/O SH. MOHAR SINGH, VILLAGE BAHALA, TEHSIL KOSLI, REWARI REGARDING THE DICTATORSHIP AND WRONGDOING OF S.H.O. KOSLI AND INCHARGE POST, NAHAR., WHICH READS AS UNDER: -**

सेवा में,

चेयरमैन  
पेटिशनर कमेटी हरियाणा विधानसभा।  
चण्डीगढ़।

**विषय:— एस.एच.ओ. कोसली व इन्चार्ज चौकी नाहड़ की तानाशाही व गलत कार्यवाही के बारे में।**

**महोदय जी।**

निवेदन यह है कि मैं जगमाल सिंह पुत्र मोहर सिंह निवासी गांव बहाला तहसील कोसली जिला रेवाड़ी का स्थाई निवासी हूँ। दिनांक 25.05.2020 को मेरे और सतबीर पुत्र रामकुमार के बीच जमीन के बंटवारे को लेकर विवाद हो गया था। दोनों पक्षों को चौकी इन्चार्ज के द्वारा नाहड़ चौकी में बुलाया गया व दोनों पक्षों में समझौता हुआ कि जो निर्माण दोनों पक्षों ने जितना निर्माण कर रखा है वो वही रहेगा एवं कोर्ट के आदेश के बिना कोई निर्माण कार्य नहीं किया जाएगा। आपसी सहमति से तीस दिन में जमीन की पैमाईश करवा ली जाएगी जिसकी जमीन निकलेगी वो पक्ष देने का जिम्मेदार होगा। इस बात पर दोनों पक्षों में सहमति है। यह फैसला 26.05.2020 को सांय 05:34 पर हो गया।

फैसला होने के उपरान्त लगभग रात्रि 10:00 बजे एस.एच.ओ. कोसली, चौकी इन्चार्ज नाहड़ एवं आई.ओ. नाहड़ ने बहाला गांव में आकर मेरी दिवार को दूसरी पार्टी की औरतों से स्वयं मौके पर खड़े रहकर गिरवा दिया। इस से यह प्रतीत होता है कि पुलिस द्वारा रिश्वत लेकर अनुचित कार्यवाही की है। आपसी सहमति के बाद भी पुलिस ने एक ही पार्टी का पक्ष लेकर तानाशाही की है।

25.05.2020 को सतबीर पुत्र रामकुमार ने अपनी चाची बीरमती पत्नी रामचन्द्र से 100 नंबर पर पुलिस को फोन करवाया कि जगमाल पुत्र मोहर सिंह के परिवार ने हमें बंधक बना लिया है। पुलिस आई.ओ. पूनम, चौकी नाहड़ से मौके पर आयी तो शिकायत को झूठा पाया गया।

अतः श्रीमान जी से निवेदन है कि एस.एच.ओ. कोसली, चौकी इन्चार्ज नाहड़ व आई. ओ. पूनम पर उचित कार्यवाही की जाए।

प्रार्थी

हस्ता

जगमाल सिंह पुत्र मोहर सिंह,  
निवासी गांव बहाला तहसील कोसली, जिला रेवाड़ी।

The Petition/Representation was placed before the Committee in its meeting held on 30.06.2020 and the Committee considered the same and desired that the comments/reply of the concerned department may be obtained within a period of 10 days. The Committee orally examined the representatives of the concerned department & petitioner in its meeting held on 18.08.2020. After brief discussion, the Committee observed that the concerned department send a detailed report to the Committee regarding ownership of the disputed Land. Thereafter the Committee received a detailed report from the department, which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha Secretariat.  
Chandigarh

No. 4009 HVS/AC/GR dated Panchkula, the 01-10-2020

**Subject:- Complaint of Sh. Jagmal S/o Mohar Singh R/o Bahala, District Rewari.**

Memo.

Kindly refer to your office No HVS/Petition/699/2020-21/12017 dated 31.08.2020, on the subject cited above

2 In this regard, it is submitted that the report has been obtained from the Superintendent of Police, Rewari in the above matter. A copy of report received from him is enclosed herewith for information and necessary action please.

Sd/-

(Rajesh Kumar)  
SP/Law & Order for  
Director General of Police, Haryana

**DEPUTY COMMISSIONER OFFICE, REWARI**

सेवा में

Additional Chief Secretary to Govt. Haryana,  
Home, Jail, Criminal Investigation and  
Administration of justice, Departments,  
Chandigarh.

यादि क्रमांक 8/320/ई०ए०/4097 दिनांक 08.09.2020.

**विषय:-** Meeting of the Petition Committee of the Haryana Vidhan Sabha,  
(Complaint of Jagmal Singh S/o Mohar Singh R/O Bahala Tehsil Kosli  
Rewari Vs Birmati W/o Ram Chander etc.)

उपरोक्त विषय पर आपको सरकारी पत्र बाफ PS/ACSHome/CFMS&39538 दिनांक  
27.08.2020 के संदर्भ में।

विषयाधीन मामले में अनुरोध है कि उक्त मामले की जांच हेतु उप-मण्डल अधिकारी (ना०)  
कोसली की अध्यक्षता में एक कमेटी गठित की गई। गठित कमेटी से प्राप्त जांच रिपोर्ट पर सहमति प्रकट  
करते हुए जांच रिपोर्ट की प्रति अनुलग्नको सहित आपकी सेवा में आगामी आवश्यक कार्यवाही हेतु प्रेषित  
है।

हस्ता  
नगराधीश  
कृते: उपायुक्त, रेवाड़ी।

प्रेषक

उपमण्डल अधिकारी (ना०)  
कोसली

सेवा में,

उपायुक्त रेवाड़ी।

क्रमांक 1641/स्टैनों दिनांक 31/8/2020

**विषय:-** Meeting of the Petitions Committee of the Haryana Vidhan Sabha  
Complaint of Jagmal Singh S/O Mohar Singh R/O Bahala] Tehsil Kosli]  
Rewari Vs-Birmati W/O Ram Chander etc.

उपरोक्त विषय पर आपके आदेश प० क्रमांक 8/320/ ई०ए०/4034-38 दिनांक 28.08.2020 के  
सन्दर्भ में।

विषयाधीन मामले में आप द्वारा गठित कमेटी की रिपोर्ट साथ संलग्न करके आपकी सेवा में आगामी  
आवश्यक कार्यवाही हेतु प्रेषित है।

सलग्न :- रिपोर्ट

हस्ता  
उपमण्डल अधिकारी (ना०)  
कोसली।

**VIJAI VARDHAN. IAS**

**Subject: Meeting of the Petitions Committee of the Haryana Vidhan Sabha. (Complaint of Jagmal Singh S/o Mohar Singh, R/o Bahala, Tehsil Kosli, Rewari Vs. Birmati w/o Ram Chander etc.).**

This is to inform you that the undersigned alongwith the Director General of Police, Haryana and the Superintendent of Police. Rewari attended the meeting of the Petitions Committee of the Haryana Vidhan Sabha on 18.08.2020 The contents of the complaint referred to above were deliberated upon by the Hon'ble Members of the Petitions Committee and based on my assurance, the following course of action was agreed to:

(1) The Deputy Commissioner, Rewari shall constitute a team headed by S.D.M. Kosli, comprising D.S.P. Kosli, Tehsildar Kosli and BDPO Kosli They shall visit the village Bahala and submit a report within a week after ascertaining the following:

- (a) Present status of the two boundary walls (under dispute by the contesting parties/complainants)
- (b) Ownership status of the public way claimed to be encroached upon by both the parties to the dispute (it may be ascertained whether it is village land, public way or private land).
- (c) Whether the construction of the said boundary walls at twodifferent locations is within the legal rights of the claimant parties as claimed by them or whether they are illegal encroachments/constructions?
- (d) After examining the revenue record / village land record etc the ownership of the disputed land/ area may be clearly established by the Committee.

You are requested to send the report of the Committee alongwith your comments to the undersigned within seven days positively so that the Hon'ble Petitions Committee of the Haryana Vidhan Sabha could be apprised accordingly.

With regards

sd

(VIJAI VARDHAN)

Shri Yashendra Singh, IAS  
Deputy Commissioner, Rewari

## उपायुक्त कार्यालय, रेवाड़ी

**DEPUTY COMMISSIONER OFFICE, REWARI**

आदेश उपायुक्त रेवाड़ी दिनांक 27.08.2020

Additional Chief Secretary to Govt. Haryana, Home-Jail, Criminal Investigation and Administration of Justice Departments, Chandigarh के अर्ध सरकारी पत्र क्रमांक PS/ACS Home/CEMS-39538 dated 27th August, 2020. (प्रति सलग्न) में दिये गये निर्देशों की अनुपालना उप-मण्डल अधिकारी (ना०), कोसली की अध्यक्षता में निम्नानुसार कमेटी का गठन किया जाता है

1	उप मण्डल अधिकारी (ना०) कोसली।	अध्यक्ष
2	उप पुलिस अधीक्षक, कोसली।	सदस्य
3	नायब तहसीलदार कोसली।	सदस्य
4	खण्ड विकास एवं पंचायत अधिकारी, नाहड	सदस्य

उपरोक्त कमेटी को निर्देश दिये जाते हैं कि वह उका मामले में मौका निरीक्षण करके अपनी रिपोर्ट 3 दिन के अन्दर—2 इस कार्यालय में भिजवायें।

हस्ता

उपायुक्त, रेवाड़ी।

पृ० क्रमांक 8/320/ ई०ए० /4034-38 दिनांक, 28/08/2020

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है

1. Additional Chief Secretary to Govt-Haryana, Home-Jail, Criminal Investigation and Administration of Justice Departments, Chandigarh in the reference of his memo no. PS/ACS/Home/CFMS-39538 dated 27th August, 2020.
2. उप मण्डल अधिकारी (ना०), कोसली।
3. उप पुलिस अधीक्षक, कोसली।
4. नायब तहसीलदार, कोसली।
5. खण्ड विकास एवं पंचायत अधिकारी, नाहड

हस्ता

कृते: उपायुक्त रेवाड़ी।

**REPORT OF THE COMMITTEE CONSTITUTED BY THE DEPUTY  
COMMISSIONER, REWARI**

**Subject: Meeting of the Petitions Committee of the Haryana Vidhan Sabha (Complaint of Jagmal Singh S/o Mohar Singh, R/o Bahala. Tehsil Kosli, Rewari V/s Dirmati W/o Ram Chander, etc.)**

This is with reference to your order no. 8/320/EA/4034-38 dated 28/08/2020 regarding the subject cited above. In this regard all members of the Committee, constituted vide the above-mentioned orders, visited the disputed cite. Report of the Committee on the points raised in the DO letter of

Sh. Vijai Vardhan, IAS, Addl. Chief Secretary to Govt. Haryana, Home, Jail, Criminal Investigation and Administration of Justice Department is as follows:

(a) Present status of the two boundary walls (under dispute by the contesting parties / complainants).

The boundary wall constructed by Jagmal s/o Mohar Singh Is demolished. The wall constructed by Satbir s/o Ram Kumar is still standing

(b) Ownership status of the public way claimed to be encroached upon by both the parties to the dispute (it may be ascertained whether it is village land, public way or private land).

There are two disputed public ways claimed to be encroached upon by both the parties.

The first disputed public way on which Jagmal s/o Mohar Singh had built the wall falls in kila number 9 of Mustil No. 28

The second disputed public way on which Satbir s/o Ram Kumar had built the wall falls in kila number 5/2 of Mustil No. 29.

Ownership of both these kilas (including the disputed public ways) is private. According to Jamabandi year 2016-17 Khewat no. 71, Khatoni no 85 the Kila numbers 28//9 and 29//5/2 belong to private owners and Jagmal s/o Mohar Singh and Ram Kumar father of Satbir are co-sharers in this land along with 70 other co-sharers (total land 110 Kanal 11 Marla).

(c) Whether the construction of the said boundary walls at two different locations is within the legal rights of the claimant parties as claimed by them or whether they are illegal encroachments/constructions? As mentioned in point (b) above, the boundary walls are built on private land. The total area in this Khewat is 110 Kanal 11 Marla. It is pertinent to mention here that the co-sharers have neither got their land partitioned through the competent Court, nor have they done a mutual partition of this land. In the absence of either of the two, no co- sharer can claim absolute legal rights on specific Kila number(s).

(d) After examining the revenue record / village land record etc. the ownership of the disputed land/ area may be clearly established by the Committee. There are two disputed public ways claimed to be encroached upon by both the parties.

The first disputed public way on which Jagmal s/o Mohar Singh had built the wall falls in kila number 9 of Mustil No. 28.

The second disputed public way on which Satbir s/o Ram Kumar had built the wall falls in kila number 5/2 of Mustil No. 29. Ownership of both these kilas (including the disputed public ways) is private.

Sd  
SDO (Civil)  
Kosli

sd  
DSP  
Kosli

sd  
Naib Tehsildar  
Kosli

sd  
BDPO Nahar



The Committee again orally examined the departmental representatives & petitioner in its meeting held on 12.10.2021. After brief discussion, the Committee observed that the department submit the final report to the Committee after resolving the matter. The Committee received a detailed report, which read as under: -

To

The Secretary,  
Haryana Vidhan Sabha Secretariat,  
Chandigarh.

Memo. No. 1111/AC-GR dated Panchkula, the 28.02.2022

**Subject:- Proceeding of the meeting of the Committee in c/w petition/representation submitted by Sh. Jagmal Singh s/o Sh. Mohar Singh Village Bahala.**

Sir,

Kindly refer to your office memo No.HVS/Petition/699/2021-22/28119 dated 27.10.2021, on the subject noted above.

2. In this regard, it is intimated that the matter has been got enquired into through Superintendent of Police, Rewari and a copy of report received vide his office memo No. 2392/SPL dated 16.02.2022 is sent herewith for information and necessary action, Pl.

Sd  
(Smiti Chaudhary, IPS)  
Superintendent of Police.  
Law & Order for Director General of  
Police, Haryana.

प्रेषक

पुलिस अधीक्षक,  
रेवाड़ी।

सेवा में

पुलिस महानिदेशक,  
हरियाणा, पंचकूला।

यादि क्रमांक 2392/एस.पी.एल दिनांक 16.02.2022

**विषय:- Proceeding of the meeting of the Committee in C/w petition/representation submitted by Sh. Jagmal Singh W/o Sh. Mohar Singh Village Bahala के सम्बन्ध में।**

श्रीमान जी,

आपके कार्यालय के 209/AC/GR दिनांक 08.02.2022 उपरोक्त विषय सन्दर्भ में।

उपरोक्त विषय के सन्दर्भ में निवेदन है कि दिनांक 12.10.2021 को विधान सभा की माननीय पिटीशन कमेटी के सम्मुख हुए वार्तालाप निष्कर्ष अनुसार अधोहस्ताक्षरी व उप मण्डल अधिकारी(ना०) कोसली द्वारा मामले को सुलझाने हेतु संयुक्त रूप से दिनांक 08.11.2021 को कार्यालय में प्रथम पक्ष से जगमाल सिंह पुत्र मोहर सिंह, सतबीर पुत्र अमर सिंह व प्रदीप पुत्र जिले सिंह निवासीगण बहाला थाना कोसली और द्वितीय पक्ष से सतबीर सिंह पुत्र रामकुमार, श्रीमती बीरमति पत्नी रामचन्द्र व अजीत पुत्र रामचन्द्र निवासीगण बहाला थाना कोसली को बुलाया गया। पुलिस पक्ष से सेवानिवृत्त निरीक्षक जगबीर सिंह, तत्कालीन प्रबंधक थाना कोसली, स.उप.नि. मन्जू 106/मेवात तत्कालीन चौकी इन्चार्ज नाहड़, अनुसंधानकर्ता स.उप.नि. पुनम न. 1260/रेवाड़ी को भी बुलाया गया व सभी पक्षों को विस्तार से सुना गया और मुख्य पक्षों को समझा कर मामले का सर्वसम्मति से हल निकालने का प्रयास भी किया गया।

जो उपरोक्त दोनों पक्षों व पुलिस कर्मचारियों से मामले के बारे में पूर्ण जानकारी प्राप्त की गई। इस संबंध में पूर्व उपपुलिस अधीक्षक, कोसली द्वारा की गई जांच रिपोर्ट व तत्कालीन पुलिस अधीक्षक, रेवाड़ी द्वारा प्रेषित रिपोर्ट का अवलोकन किया गया। जो अवलोकन पर पाया गया कि पूर्व में उपपुलिस अधीक्षक कोसली द्वारा अपनी जांच रिपोर्ट दिनांक 15.08.2020 में भी स्पष्ट किया गया है कि, "शिकायत की जांच के संबंध में जगमाल सिंह पक्ष के प्रदीप पुत्र जिले सिंह को उनके शिकायत के संबंध में ऑडियो, वीडियो रिकार्डिंग पेश करने बारे हिदायत दी गई थी। लेकिन परिवादी ने जांच पर अपने कथन अंकित करवाते समय ऐसा कोई साक्ष्य पेश नहीं किया कि पुलिस द्वारा अभद्र व्यवहार किया गया हो। जबकि स.उ.नि. मन्जू द्वारा पेश कि गई वीडियो में भी इस बात की पुष्टि होती है कि पुलिस द्वारा कोई अभद्र व्यवहार नहीं किया गया है। बल्कि ऑडियो वीडियो में परिवादी जगमाल स्वयं भी कह रहा है कि हम इस मामले को आपस में निपटा लेंगे। जो उस समय भी किसी भी पक्ष द्वारा पुलिस को कोई शिकायत लिखित में नहीं देनी पाई गई। जिस कारण किसी भी पक्ष के खिलाफ निवारक कार्यवाही या कोई अभियोजन दर्ज नहीं किया गया और मौका पर प्रबन्धक थाना कोसली व स्थानीय पुलिस द्वारा धारा 47 पुलिस एक्ट 2007 की पालना की गई है। जिससे दोनों पक्षों में शांति कायम रहे और पूर्व सरपंच मदन द्वारा पेश किए गये कागजात से भी आम रास्ता 2011 में बनना पाया गया है।"

तत्पश्चात दोनों पक्षों को विस्तार से सुनने उपरांत प्रथम दृष्टि से मामला सांझा खेवट की जमीन के बटवारे व रास्ते के विवाद का होना पाया गया है। जो दोनों पक्षों का जमीन का सांझा का खाता होना सामने आया है जो उक्त जमीन के बटवारे को लेकर दोनों पक्षों में आपसी मतभेद चला आ रहा है। शिकायतकर्ता जगमाल सिंह द्वारा घटना के समय सेवानिवृत्त निरीक्षक जगबीर सिंह, तत्काली प्रबंधक थाना कोसली द्वारा गाली गलौच व अभद्र व्यवहार करना बतलाया व इससे सम्बन्धित साक्ष्य के तौर पर फोटो, ऑडियो व वीडियो फुटेज भी उनके पास होना बतलाया। परन्तु मांग करने पर इस प्रकार के कोई ऑडियो व वीडियो फुटेज उपलब्ध नहीं करवाई गई। तत्पश्चात सेवानिवृत्त निरीक्षक जगबीर सिंह तत्कालीन प्रबंधक थाना कोसली द्वारा पेश की गई वीडियो फुटेज (2 मिनट 50 सैकेंड) का अवलोकन किया गया। जिसमें सेवानिवृत्त निरीक्षक जगबीर सिंह द्वारा किसी प्रकार की गाली गलौच व अभद्र व्यवहार करना नहीं पाया गया।

अधोहस्ताक्षरी के सम्मुख दोनों पक्षों द्वारा उप मण्डल अधिकारी (ना०) कोसली से उनकी जमीनों का मौका देखकर समझने बारे अनुरोध किया गया। जिस पर दिनांक 12.11.2021 को उप मण्डल अधिकारी (ना०) कोसली द्वारा दोनों पक्षों को विवाद के संबंध में अपने कार्यालय में बुलाकर सुना गया। तत्पश्चात उप मण्डल अधिकारी (ना०) कोसली, तहसीलदार कोसली तथा उप पुलिस अधीक्षक, कोसली द्वारा विवादित मौके का निरीक्षण किया गया। जिस सम्बन्ध में उप मण्डल अधिकारी (ना०) कोसली द्वारा प्रेषित रिपोर्ट क्रमांक 2107/पेशी दिनांक 15.11.2021 का अवलोकन किया गया, जो रिपोर्ट निम्न प्रकार से है, "मौका पर पाया गया कि जो भूमि एक ही खेवट में 110 कनाल 11 मरला स्थित है, उसमें अधिकतर भाग में मकानात बने हुए हैं तथा सांझी खेवट होने के कारण राजस्व रिकार्ड में किसी रास्ते का कोई उल्लेख नहीं है। इस बारे संयुक्त निरीक्षण कमेटी की टीम ने दिनांक 31.08.2020 को निरीक्षण किया था। जिसकी संयुक्त रिपोर्ट उन्होंने सम्मिलित कर दी थी। संयुक्त निरीक्षण टीम की रिपोर्ट पैरा-सी में पहले भी उल्लेख किया हुआ है

कि सभी पक्ष सक्षम न्यायालय से तकसीम कराएं। उसके बाद ही रास्ता जात का फैसला किया जा सकता है। मौका पर फिलहाल कोई झगड़ा होना नहीं पाया गया।”

तत्पश्चात दिनांक 13.02.2022 को शिकायतकर्ता जगमाल सिंह पुत्र मोहर सिंह निवासी बहाला ने अपने ब्यान अंकित करवाए कि— “मैंने एक शिकायत बर खिलाफ तत्कालीन पुलिस अधीक्षक SHO जगबीर निरीक्षक, चौकी इन्चार्ज मन्जु व I/O पूनम के खिलाफ हमारे सांझे खाते में बनी दीवार हटवाने बारे शिकायत पर कार्यवाही ना करने बारे विधानसभा पिटीशन कमेटी में दी थी। जो विचाराधीन है तत्कालीन अधिकारी/कर्मचारियों का तबादला हो चुका है तथा हमारा बंटवारा बारे तहसील में कार्यवाही करेंगे। इसलिए अब मेरे द्वारा दायर शिकायत विधानसभा पिटीशन कमेटी को वापिस लेना चाहता हूँ तथा उपरोक्त अधिकारी कर्मचारियों के खिलाफ कोई कार्यवाही नहीं चाहता। जो शिकायतकर्ता जगमाल सिंह द्वारा अपनी शिकायत विधानसभा याचिका समिति से वापिस लेने बारे ब्यान अंकित करवाया है। आपसे अनुरोध है कि इस सम्बन्ध में हरियाणा विधानसभा में सम्बंधित को सूचित करने का कष्ट करें। शिकायतकर्ता जगमाल सिंह के ब्यान की छायाप्रति संलग्न पत्र है।

रिपोर्ट सेवा में प्रेषित है।

हस्ता

(राजेश कुमार, भा.पु.से.)  
पुलिस अधीक्षक, रेवाड़ी।

**ब्यान अजाने जगमाल सिंह पुत्र मोहर सिंह जाति अहिर निवासी बहाला वा उम्र 70 साल।**

ब्यान किया कि उपरोक्त पते का रहने वाला हूँ तथा जमींदार का काम करता हूँ मैंने एक शिकायत बर खिलाफ तत्कालीन पुलिस अधीक्षक SHO जगबीर निरीक्षक चौकी इन्चार्ज मन्जु व 60 पुनम के खिलाफ हमारे सांझे खाते में बनी दीवार हटवाने बारे शिकायत पर कार्यवाही ना करने बारे विधान सभा पैटीशन कमेटी में दी थी जो विचाराधीन है अब तत्कालीन अधिकारीधर्मचारियों का तबादला हो चुका है तथा हमारा बंटवारा बारे तहसील में कार्यवाही करेंगे। इसलिये अब मेरे द्वारा दायर शिकायत विधानसभा पैटीशन कमेटी को वापिस लेना चाहता हूँ तथा उपरोक्त अधिकारी कर्मचारियों के खिलाफ कोई कार्यवाही नहीं चाहता ब्यान लिखा दिया सुन लिया ठीक है।

हस्ता

जगमाल सिंह।

The Committee satisfied with the compliance report received from the concerned department. The petition/representation is disposed off accordingly in its meeting held on 04.05.2022.

- 5. PETITION/REPRESENTATION RECEIVED FROM SHRI SUMER CHAND AND SHRI MAHESH KUMAR, SONS OF SH. BRIJ MOHAN, R/O VILLAGE GOBINDPURI, TEHSIL JAGADHRI, DISTRICT YAMUNA NAGAR REGARDING COMPLAINT AGAINST TEHSILDAR, JAGADHRI AND HIS SUBORDINATE REVENUE OFFICERS FOR NOT ENTERING AND SANCTIONING MUTATION WITH REGARD TO AREA MEASURING EIGHT BISWAS BEING PART OF KHASRA NO. 285, SITUATED AT VILLAGE GOBINDPURI, IN THE MUNICIPAL CORPORATION YAMUNA NAGAR-JAGADHRI, WHICH READS AS UNDER: -**

To

The Chairman,  
Committee on Petitions,  
Haryana Vidhan Sabha, Chandigarh.

**SUB: - Complaint against Tehsildar, Jagadhri and his subordinate Revenue Officers for not entering and sanctioning mutation with regard to area measuring eight Biswas being part of Khasra No.285, situated at Village Gobindpuri, in the Municipal Corporation, Yamuna Nagar-Jagadhri.**

R/Sir,

The petitioners respectfully submit as under: -

1. That Khasra No.285, having total area measuring 2 Bighas 5 Biswas is situated at Village Gobindpuri, Tehsil Jagadhri, District Yamuna Nagar. Initially this Khasra number along with some other land was owned by 8 Co-owners. But with the passage of time, the total area was divided in the form of plots and in that private partition, plots No. 17 and 18 having an area measuring 8 Biswas out of Khasra No.285 fell to the share of present petitioners.
2. That as the Revenue Entries were not corrected by the Revenue Officer as per private partition, so the present petitioners filed Civil Suit No.295/1997 in the Civil court on 31.07.1997 claiming a decree for declaration to the effect that the petitioners are owners of Plots No.17 and 18 along with some other plots situated at Gobindpuri and description of the property including plots No. 17 and 18 was shown in the site plan attached with that plaint.
3. That after institution of the suit, one Mewa Singh taking benefit of wrong revenue entries executed sale deed dated 22.08.1997 with regard to the property measuring 5 Biswas in favour of Yoginder Mohan and similarly another Co-owner Dayal Singh also executed sale deed dated 02.09.1997 with regard to property measuring 3 Biswas in favour of Sunaina and mutations No. 1015 and 1016 were sanctioned.
4. That on coming to know the fact of above said sale deed Yoginder Mohan and Sunaina were also made party in the Civil Suit by the order of the Court passed on 25.09.2000.
5. That thereafter Yoginder Mohan and Sunaina further sold this very property being plots No. 17 and 18 to Lakhwinder Singh, Jitender Singh and Chetan Singh vide two sale deeds dated 11.12.2006 and when these subsequent vendees filed application to become as party, same was dismissed by the Trial Court vide order dated 08.01.2008.
6. That ultimately the suit of the petitioners was decreed giving a declaration to the effect that the petitioners are owners of this property measuring 8 Biaswas out of Khasra No.285, in the form of plots No. 17 and 18 along with other plots, mentioned in the plaint and this decree was passed on 05.11.2008.

7. That thereafter some of the defendants filed appeal before Hon'ble A.D.J. Yamuna Nagar at Jagadhri, but the same was dismissed.

8. That thereafter Regular Second Appeal was also filed in the Hon'ble High Court of Punjab & Haryana at Chandigarh, but the same was also dismissed and net result is that the decree dated 05.11.2008 is still hold good.

9. That the petitioners filed an application before Tehsildar Jagadhri on 10.12.2021 along with copy of Judgment and decree dated 05.11.2008 with a request to sanction mutation of land measuring 8 Biswas out of Khasra No.285, situated at Gobindpuri in their favour.

10. That inspite of various visits being paid by the petitioners to the office of Tehsildar, Jagadhri till today mutation has not been sanctioned.

11. That in one meeting it was represented by the Tehsildar, Jagadhri that the sale deeds executed by Mewa Singh and Dayal Singh defendants No.4 and 6 in favour of Yoginder Mohan and Sunaina defendants No.9 and 10 and further the sale deeds by Yoginder Mohan and Sunaina in favour of Lakhwinder Singh, Jitender Singh and Chetan Singh has not been cancelled specifically by the Civil Court. Hence, no mutation can be sanctioned. However, this view of Tehsildar Jagadhri is quite wrong and amounts to violation of declaration given by the Court.

12. That Yoginder Mohan and Sunaina were party in the suit and rely upon those sale deeds to substantiate their title, but the Civil Court declared the title of this property in favour of the present petitioners and ignored those sale deeds on the ground that vendor Mewa Singh and Dayal Singh have no right in the property. So, these sale deeds do not confer any title upon the subsequent transferees i.e. Yoginder Mohan, Sunaina, Lakhwinder Singh, Jitender Singh and Chetan Singh.

13. That the Tehsildar has failed to discharge his statutory duty because it is provided in Section 31, 32, 33 and 34 of The Punjab Land Revenue Act, 1887 that when any decree by the Court is produced before Revenue Officer declaring the rights of party in the property then Revenue Officer is bound to give effect to the same in the revenue record.

It is, therefore, respectfully prayed that appropriate directions may kindly be issued to the Revenue Authority to implement decree dated 05.11.2008 and to sanction mutation of land measuring 8 Biswas out of Khasra No.285 in favour of the petitioners in accordance with the decree.

-Sd-

1. Sumer Chand.

2. Mahesh Kumar

Both sons of Brij Mohan R/o  
Vill. Gobindpuri, Tehsil Jagadhri, Distt.  
Yamuna Nagar.

The Petition/Representation was placed before the Committee in its meeting held on 25.01.2022 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 07 days. The Committee received comments/reply from the concerned department which reads as under: -

To

The Secretary  
Haryana Vidhan Sabha Secretariat,  
Chandigarh.

Memo No. 1279-E-7-2022/ 1011

Chandigarh, dated the 8-2-2022

**Sub.: Regarding complaint against Tehsildar, Jagadhari and his subordinate Revenue Officers for not entering and sanctioning mutation with regard to the area measuring 8 Biswas being part of Khasra No. 285, situated at Village Gobindpuri within the Municipal Corporation, Yamuna Nagar-Jagadhari.**

Kindly refer to your letter No. HVS/Petition/811/2021-22/1652, dated 25.01.2022 on the subject noted above wherein comments /reply of this department were sought in respect of the complaint made by Sh. Sumer Chand and Sh. Mahesh Kumar sons of Sh. Brijmohan, R/o Village Gobindpuri, Tehsil, Jagadhari, District Yamuna Nagar against Tehsildar, Jagadhari and his subordinates so that same could be placed before the Committee on the Petitions.

2. Based on the Court order dated 05-11-2008, revenue record of Khasra No.281, 283, 284, 285, 286 of Village Gobindpuri and legal opinion tendered by the District Attorney, the Deputy Commissioner, Yamuna Nagar, has commented that rotation cannot be entered and sanctioned as desired by the Petitioners. However, detailed comments/reply is enclosed for information please.

Sd

Deputy Secretary Revenue  
For Financial Commissioner, Revenue and  
Addl. Chief Secretary to Government of  
Haryana Revenue & Disaster Management  
Department, Chandigarh.

### **COMMENTS/REPLY OF THE REVENUE DEPARTMENT**

**Sub.: Regarding complaint against Tehsildar, Jagadhari and his subordinate Revenue Officers for not entering and sanctioning mutation with regard to the area measuring 8 Biswas being part of Khasra No. 285, situated at Village Gobindpuri within the Municipal Corporation, Yamuna Nagar-Jagadhari.**

Haryana Vidhan Sabha vide his letter No HVS/Petition/811/2021-22/1652 dated 25.01.2022 has sought comments /reply of this department in respect of the complaint made by Sh. Sumer Chand and Sh. Mahesh Kumar sons of Sh. Brijmohan, R/o Village Gobindpuri, Tehsil, Jagadhari, District Yamuna Nagar against Tehsildar, Jagadhari and his subordinates so that same could be placed before the Committee on the Petitions.

2 In pursuant to the above reference, Deputy Commissioner. Yamuna Nagar, was asked vide this department letter dated 07.02.2022 to send his comments

3 The Deputy Commissioner. Yamauna Nagar vide his letter dated 07.02.2022 has sent his comments as under-

"Revenue record regarding the matter of subject cited above viz, application of Sh. Sumer chand and Sh. Mahesh Kumar S/o Sh. Brij Mohan R/o Village Gobindpur Tehsil Jagadhri dated 10-12-2021 and 25-01-2022, report of Tehsildar Jagadhri dated 05-02-2022, order dated 05-11-2008 of Civil Judge(Senior Division) Yamuna Nagar, Jamabandi of year 1988-89, 1993-94 2008-09, 2013-14, 2018-19, Mutation No. 901, 902, 1308 & 1745 of the Khasra No. 281, 283, 284, 285 & 286 have been gone through in detail Based on the above mentioned documents facts of the case are as under

a) Land under consideration and subject matter of the application dated 10-12- 2021 and 25-01-2022 is situated in Khasra No. 281, 283, 284, 285 & 286 of Village Gobindpuri.

b) Applicants submitted for sanctioning the Mutation as per order dt 05 11.2008 passed by Hon'ble Civil Court. The decree passed in the civil suit no 295 dated 31-07-1997 which was declared on 05-11-2008 and operative part of the decree is reproduced here as under: -

*Suit for permanent injunction restraining defendants no 1 to 7 from legally and unauthorisedly interfering in the peaceful physical possession of the plaintiffs as owners or by transferring or alienating in any form or by illegally and unauthorisedly transferring or alienating any portion or part of the plot nos 1, 2 3 6.7 10 17 1 19, 61 and vacant space lying in between plot no 9 and 10 and vacant land lying on the back of plot no 15, 16 measuring 6x75 forming part of knowat no 22 khatauni no 29 khasra nos 281, 283, 204, 285 and 286 kitta 5 situated within the Revenue estate of Village Gobindpuri, HB No 414 Tehsil Jagadhri Distt Yamuna Nagar, as per site plan attached with the plaint, which fell to the share of defendant no. 8 father of the plaintiffs and which plots were transferred by defendant no. 8 in favour of plaintiffs vide civil suit*

*no. 646 of 1993 decided on 06- 11-1993 by the court of Sh. SP Singh the then Senior sub judge Jagadhri in favour of plaintiffs and as such the plaintiffs are since then being in actual physical possession of the said plots as owners as the spot by any means what so over, as per evidence.*

c) As per Jamabandi 1988-89 & 1993-94, Brij Mohan son of Sh Nathu Ram was owner of 2 Bigha-06 Biswa being 363/3008 share of land measuring 18B-16B bearing Khasra No 281(6-14),283(6-14),284(2-3),285(2-5),286(1-0) situated within revenue estate of Village Gobindpuri, HB No 414, Tehsil Jagadhri, Distt Yamuna Nagar. The Khasra no wise share of Brij Mohan S/o Nathu is as under-

Khasra	Total Raqba in Bigha-Biswa	Share	Raqba in Bigha-Biswa
281	6-14	363/3008	0-16
283	6-14	363/3008	0-16
284	2-03	363/3008	0-06
285	2-5	363/3008	0-06
286	1-0	363/3008	0-02
Total			0-46B i.e. 2B-06B

d) Sh. Brij Mohan son of Sh Nathu Ram transferred his 363/3008 share in favour of his sons namely Sumer Chand & Mahesh Kumar in equal share vide Civil Court Decree dt.6 11.1993, Mutation of the same was sanctioned vide Mutation No 901 dt 5.9.1994.

e) Sh. Sumer Chand & Mahesh Kumar sold 0B-05B out of Khasra No.281 vide Mutation No.902 & also sold 0B-11B vide Mutation No 1308, out of Khasra No 281. In this way said Sumer Chand & Mahesh Kumar have sold their entire share out of Khasra No 281.

f) Sh. Mahesh Kumar son of Sh Brij Mohan executed Release Deed of 4 Biswa-10 Biswai in favour of his son Sumit Chaudhry out of Khasra No 285 & 283 Mutation of the same was entered and sanctioned vide Mutation No 1745 Annexure 9.

g) As per Jamabandi 2008-09 & 2013-14 & 2018-19. The said Jamabandis are placed at. According to above mentioned Jamabandis, Sh Sumer Chand & Sh. Mahesh Kumar & Sh. Sumit Chaudhry remained owner of following land: -

Khasra	Total Raqba Bigha-Biswa & Biswal	Raqba of Sumer Chand	Raqba of Mahesh Kumar	Raqba of Sumit Chaudhary	Total Raqba
281	6-14	0B-00B	0B-00B	0B-00B	0B-0B-0B
283	6-14	0B-08B	0B-05B	0B-03B	0B-16B-0B
284	2-03	0B-02B-10B	0B-02B-10B	0B-0B	0B-05B-0B



285	2-5	0B-03B	0B-01B-10B	0B-01B-10B	0B-06B-0B
286	1-0	0B-01B-10B	0B-01B-10B	0B-0B	0B-03B-0B
Total		0B-15B-0B	0B-01B-10B	0B-04B-10B	01B-10B-0B

h) Sh. Sumer Chand & Sh. Mahesh Kumar became owner of 2B-06B as per Civil Court Decree as detailed above and after selling the 0B-16B-0B, detail of which is mentioned above, they stand owner in the revenue record of land 01B-10B-0B which is correct share of the above said persons and still stands in their name, which is mentioned in the above said table.

i) Sh. Sumer Chand & Sh. Mahesh Kumar filed the suit for Permanent Injunction against defendants no.1 to 7 vide CS No 295 Dt.31.7.1997 claiming the relief restraining the defendants from illegally and unauthorisedly interfering in the peaceful, physical possession of the plaintiffs as owner or transferring or alienating in any form, any portion or plot no 1,2,3,6,7,10,17,18,19,61 & vacant space lying in between plot no 9 & 10 and vacant land lying on the back of plot no 15, 16 measuring 6' X 75' forming in part of Khasra No 281,283,284,285,286 of Village Gobindpuri claiming themselves to be owner in possession of the said property.

ii) The Hon'ble Civil Court passed the following Judgment and decree dt.5.11.2008. The operative para of the same is reproduced as under-

*"It is ordered that the suit of the plaintiff succeeds and same stands decreed with costs. Therefore, a decree of Permanent Injunction restraining defendant no 1 to 7 from illegally and unauthorisedly interfering in the peaceful, physical possession of the plaintiffs as owner of the plots and other land as mentioned in the head note of the plaint or alienating any portion of the suit land is passed in favour of the plaintiffs and against the defendants."*

4. In view of the suit filed by the plaintiffs, the Deputy Commissioner, Yamuna Nagar has intimated that petitioner namely Sh. Sumer Chand and Sh. Mahesh Kumar sons of Sh. Brijmohan, R/o Village Gobindpuri, Tehsil, Jagadhari, District Yamuna Nagar, have only sought injunction against defendants no.1 to 7 from interfering in the peaceful physical possession claiming themselves to be owner in possession and Hon'ble Court has duly accepted their claim and passed the Injunction Decree. No other relief has been claimed by the plaintiffs nor granted by Hon'ble Civil Court

5. The Deputy Commissioner, Yamuna Nagar, has further intimated that Legal opinion was also sought by him from the District Attorney Yamuna Nagar in the matter. The District Attorney has opined that "we have gone through the file judgment dated 05-11-2008 passed by Sh. Vijay Singh Civil Judge(Senior Division) Yamuna Nagar at Jagadhri in which the plaintiffs only claim permanent injunction against defendants no. 1 to 7 and no other relief was sought by the plaintiffs in suit. The Hon'ble Court passed the judgment and

decree in favour of the plaintiffs and restrained the defendants from interfering in the peaceful possession of the plaintiffs. The Hon'ble Court has not decided the matter regarding the cancellation of sale deeds and entering of mutation."

6. Based on the order dated 05-11-2008, Revenue record of Khasra No 281. 283, 284, 285, 286 of Village Gobindpuri and legal opinion tendered by the District Attorney, the Deputy Commissioner, Yamuna Nagar, has commented that mutation cannot be entered and sanctioned as desired by the petitioners.

Sd  
Deputy Secretary Revenue  
for Financial Commissioner, Revenue and Addl. Chief  
Secretary to Government of Haryana Revenue & Disaster  
Management Department. Chandigarh.

The Committee further orally examined the Departmental representatives, Advocate on behalf petitioner and petitioners on 08.02.2022 and made following observations:-

#### समिति की संस्तुति

समिति ने दोनों पक्षों को विस्तार से अपने-अपने पक्ष रखने का मौका दिया तथा दोनों पक्षों ने अपनी-अपनी बात विस्तार पूर्वक समिति के समक्ष रखी। समिति ने दोनों पक्षों को सुनने के पश्चात् निम्नलिखित बिन्दुओं पर अवलोकन किया है।

1. क्या याचिकाकर्ता प्लॉट नं० 17 व 18, खसरा नं० 285, रकबा 8 बिसवा के मालिक हैं?
2. क्या याचिकाकर्ता प्लॉट नं० 17 व 18 पर काबिज है?
3. क्या याचिकाकर्ताओं का अन्य हिस्सेदारों में संबंधित जमीन का आपसी बंटवारा हुआ है?
4. क्या याचिकाकर्ताओं द्वारा सिविल कोर्ट में जब दावा दिनांक 31.07.1997 को पेश किया उस समय किसी अन्य हिस्सेदारों में उक्त प्लॉटों की सेल डीड हुई थी?
5. क्या उक्त प्लॉटों की सेल डीड करते समय हिस्सेदारान मालिक व काबिज थे।
6. क्या न्यायालय ने याचिकाकर्ताओं को सिविल कोर्ट में अपने आदेश दिनांक 05.11.2008 के फैसले में याचिकाकर्ताओं को संबंधित प्लॉटों का पूर्ण रूप से मालिक व काबिज माना है?

#### बिन्दु नं० 1 और 2 के विषय के बारे में-

समिति ने बिन्दु 1 व 2 समान विषय वस्तु का होने पर समिति ने विभाग तथा याचिकाकर्ताओं के द्वारा दिये गये तथ्यों व प्रमाणों का अवलोकन करने के पश्चात् यह पाया है कि याचिकाकर्ताओं का प्लॉट नं० 17 व 18 का खसरा नं० 285 का पूर्ण रूप से मालिक व काबिज है। याचिकाकर्ताओं ने सिविल कोर्ट में दिनांक 31.07.1997 को जो दावा पेश किया है उसके हैड नोट में उक्त प्लॉट के नम्बरों के साथ अन्य भूमि पर पूर्ण रूप से मालिक व काबिज होने तथा प्रतिवादियों को उसमें दखल न देने बारे दावा पेश किया था। जिसमें माननीय न्यायालय ने अपने आदेश दिनांक 05.11.2008 को माना है कि अन्य भूमि जो दावे में वर्णित है के अलावा प्लॉट नं० 17 व 18 पूर्ण रूप से मालिक व काबिज है तथा प्रतिवादियों को अवैध रूप से दखल देने से रोका जाता है।

अतः समिति ने स्पष्ट रूप से यह माना है कि जब उक्त प्लॉट नं० 17 व 18 का मालिक याचिकाकर्ताओं का है तो उक्त प्लॉटों का राजस्व विभाग में अन्य: व्यक्तियों को मालिक दर्शाया जाना गलत है।

### बिन्दु नं० 3 के विषय के बारे में—

समिति ने इस विषय पर पूर्ण रूप से तथ्यों पर अवलोकन करने पर पाया कि याचिकाकर्ताओं तथा अन्य हिस्सेदारों में आपसी रजामंदी मौखिक रूप से बंटवारा वर्ष 1980 में हो गया था जिसने सिविल कोर्ट ने अपने फैसले दिनांक 05.11.2008 को वर्णित किया है कि जो तथ्य व सबूत न्यायालय के सामने पेश किये गये हैं। उससे साबित है कि हिस्सेदारों का आपसी मौखिक बंटवारा हो चुका है और उसी के आधार पर कई हिस्सेदारों द्वारा सेल डीड की गई है तथा उनके इतकाल भी राजस्व विभाग द्वारा किए गये। इसके अलावा प्रतिवादियों ने सिविल कोर्ट में अन्य दावों में यह स्वीकार किया है कि उनका मौखिक बंटवारा हो गया है।

अतः माननीय न्यायालय के सम्मुख दिया गया अपना बयान इस बात को इंगित करता है कि हिस्सेदारों में मौखिक बंटवारा होने का स्पष्ट प्रमाण है।

### बिन्दु नं० 4 व 5 के विषय के बारे में—

समिति ने इन बिन्दुओं पर सभी तथ्यों पर संबंधित रिकॉर्ड को अवलोकन करने पर पाया है कि प्लॉट नं० 17 व 18 व अन्य भूमि का दावा सिविल कोर्ट में दिनांक 31.07.1997 को पेश करने के बाद अन्य हिस्सेदारों द्वारा रजिस्ट्री बायनामा किए गये जबकि जिन हिस्सेदारों ने उक्त प्लॉटों की रजिस्ट्री बायनामा किये वे उक्त प्लॉट पर काबिज नहीं थे और न ही आपसी बंटवारा के अनुसार उसके मालिक थे।

अतः समिति स्पष्ट रूप से यह स्वीकार करती है कि उक्त भूमि आपसी बंटवारा होने के बाद कोई भी हिस्सादार उस जमीन का रजिस्ट्री बायनामा कैसे कर सकता है जो उस संबंधित भूमि का मालिक व काबिज ही न हो। यह तथ्य सिविल कोर्ट के आदेश दिनांक 05.11.2008 को स्पष्ट रूप से वर्णित है कि याचिकाकर्ताओं का उक्त प्लॉटों के अलावा अन्य भूमि का पूर्ण रूप से मालिक व काबिज है। अतः जो रजिस्ट्री बायनामा प्लॉट नं० 17 व 18 का होना तथा उसका राजस्व विभाग में इतकाल में दर्ज होगा स्पष्ट रूप से गलत है।

### बिन्दु नं० 6 के विषय के बारे में—

समिति ने इस बिन्दु पर सभी तथ्यों पर संबंधित रिकॉर्ड का अवलोकन करने पर पाया है कि सिविल कोर्ट में दिनांक 05.11.2008 को याचिकाकर्ताओं का प्लॉट नं० 17 व 18 के अलावा अन्य भूमि जो दावे में वर्णित है, माननीय न्यायालय ने उसे पूर्ण रूप से मालिक व काबिज माना है तथा प्रतिवादियों को उसमें किसी भी प्रकार का दखल देने से रोकता है।

राजस्व विभाग द्वारा अपने उत्तर में तथा ओरल एग्जामिनेशन में यह कहना गलत है कि सिविल कोर्ट ने अपने आदेश दिनांक 05.11.2008 को प्लॉट नं० 17 व 18 की सेल डीड को खारिज करने बारे कोई आदेश पारित नहीं किया। समिति इस पर स्पष्ट करना चाहती है कि जब याचिकाकर्ताओं ने दावा माननीय न्यायालय में दिनांक 31.07.1997 को पेश किया उस समय प्लॉट नं० 17 व 18 खसरा नं० 285 कोई भी रजिस्ट्री बायनामा नहीं किया गया था। यदि सिविल कोर्ट में याचिकाकर्ताओं को अपने फैसले दिनांक 05.11.2008 को उक्त प्लॉटों और अन्य भूमि का पूर्ण रूप से मालिक व काबिज माना है तो राजस्व विभाग द्वारा उसी भूमि को किसी अन्य व्यक्ति को मालिक व काबिज दर्शाना गलत है।

अतः समिति सभी बिन्दुओं तथा रिकॉर्ड/तथ्यों का बारीकी से अवलोकन करने के पश्चात् राजस्व विभाग को अपनी संस्तुति देती है कि याचिकाकर्ताओं के नाम उक्त प्लॉट नं० 17 व 18 खसरा नं० 285 जिसके वे पूर्ण रूप से मालिक व काबिज हैं तथा जो दावा याचिकाकर्ताओं ने सिविल कोर्ट में दिनांक 31.07.1997 को किया और उस समय जो राजस्व विभाग में प्लॉट नं० 17 व 18, खसरा नं० 285 में जो रिकॉर्ड इंगित था, उसी रिकॉर्ड को कायम रखा जाये और जो हाल ही में राजस्व विभाग के रिकॉर्ड में अन्य किसी व्यक्ति का इन्द्राज (एंट्री) है तो उसको 10 दिन के अंदर-अंदर याचिकाकर्ताओं के नाम दुरुस्त करके संबंधित आदेश की कॉपी समिति को भी अवगत करवाई जाये।

The Committee received compliance report from the concerned department in which stated that the entry of mutation no. 4456, Mauja Govindpuri, Tehsil Jagadhri is registered and approved, which reads as under:-

सेवा में

सचिव,  
हरियाणा विधान सभा सचिवालय,  
चण्डीगढ़।

क्रमांक 960-स्था-7-2022/2200 चण्डीगढ़ दिनांक 09/03/2022

**विषय:-A copy of the proceedings of the meeting of the Committee on Petitions held on 08-02-2022-**

संदर्भ:-proceedings क्रमांक एच०वी०एस० पटीशन /811/2021-22/2874 दिनांक 25.02.2022

उपरोक्त विषय पर मुझे निर्देश हुआ है कि उपायुक्त यमुनानगर ने उनके पत्र क्रमांक 732 / एस०के० बी०सी० दिनांक 04.03.2022 द्वारा सूचित किया है कि इतकाल न 4456. मौजा गोविन्दपुरी, तहसील जगाधरी दिनांक 25.02.2022 को दर्ज व मंजूर हो चुका है। यह आपको सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

भवदीय

हस्ता

अधीक्षक, स्थापना

कृते: वितायुक्त राजस्व एवं अतिरिक्त मुख्य सचिव, हरियाणा  
सरकार राजस्व एवं आपदा प्रबंधन विभाग।

The Committee agreed with the compliance report received from the concerned department and petition/representation is disposed off in its meeting held on 04.05.2022.

Thereafter, Legal Cell Branch Haryana Vidhan Sabha inform to the Committee that Shri Lakhwinder Singh & others filed a Civil Writ Petition No. 5441/2022 against the recommendation of the Committee on Petition (dated 08.02.2022). The Committee sent the matter to the Advocate General Haryana for obtaining Legal Advice/Opinion in this matter. The Advocate General Haryana send the Legal Advice/Opinion in which informed that the Petitioners/applicants did not informed to the Committee regarding the matter already pending in the Civil Court. Therefore, the Committee withdrawn its recommendation dated 08.02.2022 & inform to the Hon'ble High Court accordingly. The Committee has withdrawn the recommendation dated 08.02.2022 and informed to the Hon'ble High Court. The petition/representation has been already disposed off in its meeting held on 04.05.2022.

**6. PETITION/REPRESENTATION RECEIVED FROM SH. R.D. JATAIN, HOUSE NO. 2301, SECTOR-2 BAHADURGARH, DISTRICT JHAJJAR, REGARDING BENEFITS OF GOVERNMENT SERVICE, WHICH READS AS UNDER:-**

To

The Worthy Chairman,  
Committee on Petitions,  
Haryana Vidhan Sabha, Chandigarh.

**Regarding benefits of Govt. service.**

Sir,

The petitioner most respectfully submits as under :-

1. That on 28.08.1974 the petitioner was appointed as Officiating, lateron confirmed, Lecturer in HES III College Cadre (parent cadre for short). He joined it on 06.09.1974. During this service, he applied in HCS Judicial Branch [HCS (JB) for short] through proper channel and was selected. Complying letter, the petitioner gave a certificate that he had "not ceased to be an employee".
2. That vide letter dated 15.4.1991, the Chief Secretary (CS for short) appointed the petitioner as Subordinate Judge-cum-Judicial Magistrate in HCS (JB) and the Hon'ble Punjab and Haryana High Court (High Court for short) issued his posting orders. The Principal Govt. College Bahadurgarh, where the petitioner was then working, relieved him on 30.04.1986 to enable him to join HCS (JB) the next day. i.e 01-05.1986.
3. That vide letter dated 15.4.1991, the Commissioner & Secretary Education Department (CSE for short) confirmed officiating post of petitioner in permanent in parent cadre w.e.f. 04.02.1987. The petitioner had already been relieved therefrom on 30.04.1986 and he was then working in HCS (JB) in officiating capacity since 01.05.1986. His confirmation in parent cadre created his lien therein under Rule 3.12 of Pb. Civil Service Rule Vol. I part (CSR for short) and as per dictum of Full Bench of the Supreme Court in case T.R.Sharma Vs. Prithvi Singh AIR 1976 SC 367. The petitioner remained in service in his Parent Cadre for 12 years (06.09.1974-30.04.1986) without break in officiating and lateron in substantive permanent capacity & completed qualifying service for pension under Rule 6.16(2) CSR Vol. II.
4. That on 16.01.1992 the High Court also confirmed service of the petitioner in HCS (JB) w.e.f. 16.01.1990 which created his 2nd lien in HCS (JB) during subsistence of his 1<sup>st</sup> lien in parent cadre. The confirmation in HCS (JB) was illegal being in violation of Rules 3.13 to 3.16 of Pb. CSR Vol. I. Part I. Before confirming service of the petitioner in HCS (JB), his option was not taken as required under Rule 1.1(b) of the CSR Vol. II. The petitioner could retain or relinquish the 1<sup>st</sup> lien in his parent cadre by opting repatriation. Till then his confirmation in HCS (JB) should have been withheld or suspended or terminated or transferred under Rules 3.13 to 3.16 of Pb. CSR Vol. I. Part I.

A government employee can't retain lien on two substantive posts simultaneously under Rule 3.11 (b) of CSR Vol. I Part I. On opting parent cadre, the petitioner should have been repatriated in that cadre. The High Court before issuing order of confirmation in HCS (JB) should have brought this right of option to the notice of the petitioner which it did not. He was denied this opportunity. Moreover, the power to allow or disallow repatriation vests in the government and not in the High Court. The petitioner should not be made to suffer due to erroneous order of the High Court.

5. That with 2 Ph.D. degree, & 3 Gold Medals, the petitioner has outstanding academic career but he was persistently harassed intolerably in HCS(JB) service which he could not take and sought repatriation to his parent cadre vide letters/reminders dated 08.10.2001, 23.10.2001, 29.10.2001, 02.11.2001, 11.01.2002, 29.01.2002 and 11.2.2002. The petitioner was victimised due to ill- will. His repeated requests were not sent to the government for appropriate orders. His prayer dated 29.10.2001 for repatriation to his parent cadre was illegally rejected by the High Court. On 29.01.2002, the petitioner prayed the High Court to know "under what law it rejected his option and whether his case was again referred to the Governor after deliberating upon the points raised by his Excellency?" The High Court has not replied it till date. Vide letter dated 11.2.2002, the petitioner again enquired, "why and under what law the High Court did not forward his request for repatriation to the Government?" The High Court 'filed it. Even without applying for repatriation the petitioner was entitled to exercise option. The petitioner protested his illegal confirmation in HCS(JB) without taking his option and during the subsistence of his 1<sup>st</sup> lien (confirmation) in his parent cadre. Till date the High Court has not replied this letter. The High Court neither acknowledged nor replied the remaining above referred letters of the petitioner.

6. That due to illegal rejection of repatriation request, the petitioner was robbed of his job as College Lecturer till 31.03.2011.

7. That the malafides are obvious, as after rejection of repatriation request, the High Court initiated disciplinary action against the petitioner on a motivated anonymous complaint without affidavit on vague allegations of corruption. It was a bolt from the blue as no law, rule, regulation or instruction was followed despite the fact that his Excellency the Governor had pointed out that it was contrary to government instructions issued from time to time and the judicial pronouncement of the High Court (u.o. No. 2/2/62-1DG-94 dated 15.11.1994 r/w No.1/1/1DG-P5 dated 20.5.1985.

8. That His Excellency pointed out the government instructions and disagreed with proposed punishment of 'removal of the petitioner from service and referred the case back to the High Court for re- consideration on 'few points' summarised hereunder: -

- i) Can the Government remove the delinquent officer from service on the basis of an anonymous complaint not supported by affidavit even when the government's instructions contain that all anonymous and pseudonymous complaints be rejected and

destroyed and complaints relating to allegations of corruption be supported by affidavit? The High Court in its decision dated 04.06.1993 in case Harbans Lal Gupta Vs. Niranjan Singh Vasant & ors. had pronounced that 'no inquiry can be ordered on an anonymous complaint'.

- ii) The High Court has recommended very harsh punishment i.e. removal from service. The penalty, in my view, seems to be on the higher side and requires serious consideration.
- iii) Whether Mr. A.D. Gaur was on leave in record on all occasions when the delinquent officer dealt with 89 cases of Nuh? Mr. Gaur's work done on 17.5.1997 specially need be examined.
- iv) What is the evidence against the delinquent officer to prove allegation of 'extraneous consideration'?"

(At the relevant time, the petitioner was the only officer posted at Ferozepur Jhirka and Mr. A.D. Gaur the only officer at Nuh. The Chief Judicial Magistrate concerned had ordered that if one of them was on leave, the other officer would deal with urgent matters of that court and vice versa and CJM in absence of both), Since record is not available with the government, the petitioner encloses a duly sworn affidavit affirming verbatim correctness of "few points" raised by the Governor. The facts become murkier when the CS made false report concerning comments of his Excellency and ordered the Governor agreed with recommendation of High Court ...in his order No. 28/32/2001-3 GSI dated 21.12.2001 as under. -

*".....agreeing with the recommendation made by the Hon'ble Punjab & Haryana High Court, the Governor of Haryana .....is pleased to remove Sh. Ram Dhari Jatain Additional Civil Judge (Senior Division) (Under Suspension). from the service forthwith".*

No new facts came on record in the case after reference back by the Governor for re-consideration nor the file was re-sent to his Excellency. The points raised by him should have been addressed before making the final order. The petitioner has no concern what transpired between the Governor and the High Court but career of the petitioner was crushed in the process. He was removed from the post of Addl. Civil Judge (Sr. Div.). The facts of denial of repatriation and subsequent 'removal' from service cry for attention from house-top. But the bad luck of the petitioner did not end here.

9. That on removal of the petitioner from the post of Additional Civil Judge (Senior Division), the government not only forfeited his past and future service in HCS (JB) under Rule 4.19 (a) of CSR Vol. Part I but also denied service benefits to the petitioner from his 12 years' service (6.9.1974 to 30.4.1986) in his parent cadre. The service therein was neither under the High Court nor it could evaluate his work and conduct in that cadre. Had the High Court not rejected repatriation request of the petitioner to his parent cadre, he would

have been College Lecturer, would have earned salary from 22.12.2001 to 30.03.2011 and pension for life thereafter for whole service of 37 years.

10. That the petitioner challenged order of his removal from service. The Supreme Court did not set aside order of his "removal from service as Additional Civil Judge Senior Division" on 19.02.2009 in Curative Petition (C) No. 2 of 2009.

11. That after failing in the Supreme Court to save his service in HCS(JB), the petitioner sought clarification from the High Court vide letters 08.01.2010; 23.11.2010 and 07.07.2011 to know whether he could go to his parent cadre as the High Court had not touched his service in the parent cadre. Till date the petitioner has received no reply. Then the petitioner wrote to the Director, Higher Education Haryana to receive him in the parent cadre vide letters dated 17.10.2012 and 02.02.2015. The petitioner did not get reply of any of the letters. Disappointed with the situation, the petitioner prayed the Director-General of the Higher Education Department Haryana for pension for his services in that department vide letter dated 16.09.2017 and reminders dated 04.04.2019 & 27.03.2020. Since the petitioner did not get any reply to his above letters, he requested the worthy Dy. Chief Minister Haryana to grant him proportionate pension vide letter dated 30.4.2021. After failing to get any reply, the petitioner has approached this Hon'ble Committee for redressal despite the fact that right to pension is recurring and continuing cause of action available to the petitioner and the present prayer is, thus, within limitation.

12. That unfortunate and sorrow state of affairs emerge from the facts mentioned herein above. The petitioner has remained in service of the government for decades and has been subjected to extensive harassment and trauma by the government and its officers who are expected to act as a model employer. For lawful claim of pension and benefits, the petitioner is running from pillar to post for more than a decade though pension and other benefits under the rules is his legal right and not a bounty. Yet the starvation and agony, the petitioner is facing in these hard days writ large. The petitioner never anticipated that his evening of life will end so painfully as a destitute. The petitioner has no property (movable and immovable). He has used savings of his entire life in the marriage of his two daughters which was his family duty.

The petitioner, therefore, most respectfully prays that this Hon'ble committee may be pleased to recommend the government to: -

- a) Treat order No. 2131 Gaz.I/VI.E.34 dated 22.12.2001 rejecting repatriation request of petitioner dated 29.10.2001 as non-existent as High Court is not empowered to decide it i.e., accept or reject it;
- b) The petitioner be deemed in service in his parent cadre HES II (College Cadre) from 21.12.2001 to 31.03.2011 & all consequential benefits be granted; and
- c) Pay arrears upto date and pension for life as per entitlement.



Submitted humbly.

Most faithfully yours,

-Sd-

(R.D.JATAIN) 3421

R/o House No. 2301, Sector-2  
Bahadurgarh (Haryana)

The Petition/Representation was placed before the Committee in its meeting held on 22.06.2021 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee orally examined the departmental representatives and petitioner/ applicant on dated 07.09.2021, during the course of oral examination the Committee observed that the matter is also relate to the Chief Secretary to Government Haryana. Therefore, the comments of the Chief Secretary may be obtained in this regard. The Committee again the orally examined the departmental representatives and petitioner/applicant in its meeting held on 23.11.2021. After brief discussion the Committee observed that the department give an opportunity of personal hearing to the petitioner and examine the case laws. After complete all process by the concerned department/Chief Secretary Haryana submit a final report in this regard Thereafter, the Chief Secretary to Government Haryana submitted final report in this matter. which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha,  
Vidhan Sabha Secretariat, Chandigarh,

**No. 24/01/2020-1SIII**

Dated Chandigarh, the 11th March, 2022

**Subject: Compliance of directions of Petition Committee of HVS.**

Sir,

I am directed to refer your letter No. HVS/Petition/766/2021- 22/1260, dated 20.01.2022 on the subject noted above and to inform you that Sh. Ram Dhari Jatain, joined H.C.S. (J.B.) on 01.05.01986. He was confirmed on the post of H.C.B. (J.B.) w.e.f. 16.01.1990 and was removed from service vide orders dated 21.12.2001. The officer relinquished the charge of the post w.e.f 26.12.2001.

2. Sh. R.D. Jatian, was confirmed on his substantive appointment on 04.02.1987 in Higher Education Department, Haryana as College Lecturer and later on he was also confirmed on his subsequent appointment on 16.01.1990. hence, in light of the provision contained in rule 3.12 of Punjab Civil Services

Rules (Volume-1, Part-1) and rules 28, 29 and 30 of Haryana Civil Services (General) Rules, 2016, a Government employee shall be considered for confirmation after successful completion of probation period of the post of subsequent appointment and further, on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

3. Therefore, Sh. Ram Dhari Jatain has cease to hold the lien on his acquired by him in Higher Education Department as College Lecturer, when he was confirmed on his subsequent appointment i.e. Haryana Civil Service (Judicial Branch) on 16.01.1990.

Yours faithfully

-Sd-

Superintendent Services-III  
for Chief Secretary to Government, Haryana.

The Committee satisfied with the reply received from the Chief Secretary to Government Haryana and has decided that the petition/representation is disposed off accordingly in its meeting held on 17.05.2022.

**7. PETITION/REPRESENTATION RECEIVED FROM SH. MADAN LAL HOUSE NO. 782/23, DLF COLONY, ROHTAK REGARDING REGULARIZING THE SERVICES AS PER THE INSTRUCTIONS OF THE GOVERNMENT WHICH READS AS UNDER: -**

सेवा में,

चेयरमैन याचिका समिति,  
हरियाणा विधानसभा सचिवालय,  
चण्डीगढ़।

**विषय:— सरकार की हिदायत अनुसार सेवायें नियमित करने बारे।**

श्रीमान जी,

निवेदन यह है कि मैंने आपके पास 19.12.2019 को सेवायें नियमित करने बारे अपील की थी जिसका अभी तक मुझे कोई जवाब नहीं मिला है अपील का ब्यौरा निम्न प्रकार से है।

मेरी नियुक्ति 16.1.1979 से रोजगार विभाग द्वारा हरियाणा रोडवेज कैथल में परिचालक— 67 के पद पर हुई थी।

28.6.1983 से महानिदेशक राज्य परिवहन हरियाणा चण्डीगढ़ के आदेशानुसार मेरा स्थानांतरण कैथल डिपो से रोहतक डिपो में हो गया था।

16.9.1982 से महाप्रबन्धक रोडवेज रोहतक ने मेरी सेवाये नियमित की है जो कि अनुचित है।

क्योंकि मेरी सेवाये 16.1.1979 से 240 दिन उपरांत 16.9.1979 से नियमित की जानी बनती है। मैंने महाप्रबन्धक रोडवेज रोहतक द्वारा 16.9.1982 के नियमितकरण आदेशों के विरुद्ध महानिदेशक राज्य परिवहन हरियाणा चण्डीगढ़ के पास अपील की थी कि मेरी सेवाये सरकार की हिदायत 1682-92/A3/HAR/dt- 19.2.1979 के अनुसार 240 दिन उपरांत 18.9.1979 से नियमित की जाये।

मेरी अपील पर A.D.A., D.A., J.T.C. हरियाणा चण्डीगढ़ द्वारा विचारा किया गया जो कि पृष्ठ 3 व 4 पर विदित है।

अन्त में महानिदेशक हरियाणा, चण्डीगढ़ ने मेरी सेवाये 240 दिन उपरांत 18.9.1979 से नियमित करने के आदेश पारित कर दिये जो कि पृष्ठ 5 पर विदित है। महानिदेशक द्वारा पारित किये गये नियमितकरण आदेश निम्न प्रकार से है।

1. पत्र क्रमांक नं. 6043 ए2/ई3 दिनांक 20.5.2010
2. पत्र क्रमांक नं. 11352 ए2/ई3 दिनांक 17.11.2011
3. पत्र क्रमांक नं. 2086 ए2/ई3 दिनांक 9.4.2013

महानिदेशक हरियाणा, चण्डीगढ़ ने नियमितकरण आदेशों को महाप्रबंधक रोडवेज रोहतक से लागू करने के लिये लिखित रूप में भेजे हैं जिसको दस साल हो गये हैं परन्तु महाप्रबंधक रोडवेज रोहतक ने अभी तक इन्ही तीनों नियमितकरण आदेशों को लागू नहीं किया है।

मैं स्वयं अपने स्तर पर तथा निजी स्तर पर महाप्रबंधक रोडवेज रोहतक से कई बार मिल चुका हूँ तथा कार्यालय में पत्राचार भी कर चुका हूँ। मेरी कोई सुनवाई नहीं हो रही है जिससे मेरा मनोबल कमजोर हो गया तथा मानसिक पीड़ा से ग्रस्त हो गया हूँ।

अतः आपसे प्रार्थना है कि डी.जी.एस.टी. द्वारा पारित आदेशों को महाप्रबंधक रोडवेज रोहतक से लागू करवाने की कृपा करें। आपकी अति कृपा होगी।

भवदीय

हस्ता

(मदन लाल सी-67/265)

हरियाणा रोडवेज रोहतक

782/23, डी.एल.एफ. कालोनी, रोहतक।

The Petition/Representation was placed before the Committee in its meeting held on 30.06.2020 and the Committee decided that comments/reply of the concerned Department may be obtained within 10 days. Thereafter, the Committee received reply from the concerned department, which reads as under: -

सेवा में,

सचिव,

हरियाणा विधानसभा सचिवालय

सेक्टर-1, चण्डीगढ़।

क्रमांक: 54/2016/ए2/ई 3/863 दिनांक 5/8/2020

**विषय:- Regarding regular the services as per the instructions of the Government case of Shri Madan Lal, Ex Conductor (Retired as Sub & Inspector), Haryana Roadways), Rohtak.**

उपरोक्त विषय पर आपके पत्र क्रमांक एच0वी0एस0/पैटीशन/14/698/2020-21./8868 दिनांक 16.07.2020 व सरकार के पत्र यादि क्रमांक 09/27/2020 परि0(II) दिनांक 23.07.2020 के सन्दर्भ में।

मुझे निर्देश प्राप्त हुआ कि आपके उपरोक्त सदृशित पत्र की अनुपालना में मांगी गई सूचना आपको प्रेषित कर अवगत करवाऊँ कि विषयांकित मामले में प्रार्थी श्री मदनलाल, पूर्व परिचालक (सेवानिवृत्ति उपनिरीक्षक) हरियाणा राज्य परिवहन, रोहतक के सम्बंध में नियोक्ता प्राधिकारी महाप्रबंधक, हरियाणा राज्य परिवहन, रोहतक से उत्तर/सूचना प्राप्त की गई है। जिसकी एक प्रति मूलरूप में आपकी प्रेषित कर अनुरोध है कि विषयांकित मामले में विभाग द्वारा प्रेषित उत्तर की यह प्रति अवलोकनार्थ हरियाणा विधानसभा सचिवालय की पेटिशन कमेटी के सम्मुख रखने की कृपा करें।

संलग्न:- उपरोक्त अनुसार

हस्ता

उप-अधीक्षक स्थापना शाखा-3

कृते निदेशक, राज्य परिवहन हरियाणा, चण्डीगढ़

सेवा मे

निदेशक,

राज्य परिवहन हरियाणा चण्डीगढ़।

क्रमांक/60सी/ईए/ईसीसी दिनांक 29-7-2020

**विषय:-Regarding regularizing the Service as per the instructions of the Government& Case of Sh- Madan Lal Ex- Conductor Rohtak Depot.**

उपरोक्त विषय पर प्रधान सचिव हरियाणा सरकार परिवहन विभाग, चण्डीगढ़ के पत्र क्रमांक 9/27/2020-2 परि (II) दिनांक 23.07.2020 के संदर्भ में।

आपको अवगत करवाया जाता है कि मामले मे एनोटेटीड फार्म उत्तर तैयार करके प्रति आपके कार्यालय में भेजकर अनुरोध किया जाता है कि अपने कार्यालय स्तर पर दस्तीतौर पर हरियाणा विधान सभा सचिवालय की पेटिशन कमेटी के सम्मुख रखने हेतु भिजवाने का कष्ट करें। इसके अतिरिक्त यह भी अवगत करवाया जाता है कि विभाग द्वारा मामले में दिशा निर्देश दिए जाने पर इस कार्यालय के आदेश क्रमांक 2943 /ईए/ईसीसी दिनांक 19.12.2019 द्वारा अपीलार्थी श्री मदन लाल परि० सं० 265/उपनिरीक्षक (सेवानिवृत्त) का दावा रद्द करके अपीलार्थी को भी सूचित किया गया था।

हस्ता

महाप्रबन्धक

हरियाणा राज्य परिवहन रोहतक।

**हरियाणा विधानसभा सचिवालय में दर्ज पेटिशन सं० HVS/Petition/14/698/2020-21/8868 दिनांक 10.07.2020 का तथ्यों सहित उत्तर**

प्रतिवेदन:-

अपिलार्थी श्री मदन लाल परि० संख्या 265/उप निरीक्षक (सेवानिवृत्त) का यह कहना गलत है कि उसे कोई जवाब नहीं मिला अपितु इस कार्यालय के द्वारा आदेश क्रमांक 2943/ईए/ईसीसी दिनांक 19.12.2019 पारित करके उनका दावा रद्द किया गया था। जिसकी प्रति भी अपिलार्थी को प्रेषित की गई थी।

तथ्य:-

श्री मदनलाल परिचालक संख्या 265/उप निरीक्षक सेवानिवृत्त की प्रथम नियुक्ति महाप्रबंधक हरियाणा राज्य परिवहन कैथल के आदेश क्रमांक 78/ई.सी.सी. दिनांक 16.01.1979 के द्वारा

दिनांक 19.01.1979 से की गई। पूर्व कर्मचारी को महाप्रबंधक कैथल के आदेश क्रमांक 2345/ईसीसी दिनांक 23.04.1979 के द्वारा (No Longer Required) सेवाएं समाप्त कर दी गई। श्री मदनलाल द्वारा महाप्रबंधक कैथल के आदेश दिनांक 23.4.1979 के विरुद्ध मुख्यालय में अपील अपील दायर की। मुख्यालय द्वारा अपीलार्थी की अपील पर निर्णय लेते हुए उसके सेवा से बाहर रहे समय को बिना वेतन के करते हुए उसे सेवा से बहाल कर दिया गया। कर्मचारी ने पुनः अतिरिक्त मुख्य सचिव हरियाणा सरकार परिवहन विभाग के सम्मुख पुनः अपील की। जिस पर निर्णय लेते हुए अतिरिक्त मुख्य सचिव हरियाणा सरकार परिवहन विभाग के आदेश पृ० क्रमांक 9/15/20/S-2T(II) दिनांक 17.10.2018 द्वारा श्री मदन लाल परिचालक

सं० 67/265/एस.आई सेवा निवृत्त के सेवा से बाहर रहे समय दिनांक 23.04.79 से 21.05.80 तक बाहर के समय को कार्य समय को मानने के आदेश दिये गये परन्तु उपरोक्त समय में कर्मचारी द्वारा वास्तव में कार्य न करने की स्थिति में उपरोक्त अवधि का कोई वित्तीय लाभ न देने के भी आदेश दिये।

कर्मचारी द्वारा बार-बार उसकी सेवाएं नियमित करने बारे इस कार्यालय में प्रार्थना पत्र दिए गए। अतिरिक्त मुख्य सचिव हरियाणा सरकार परिवहन विभाग के आदेश दिनांक 17.10.2018 की परिपालना एवं कर्मचारी के प्रार्थना पत्रों के मध्यनजर इस कार्यालय के लेखाधिकारी, अनुभाग अधिकारी, लेखाकार एवं कनिष्ठ लेखा परीक्षक की कमेटी बनाकर आदेश क्रमांक 2037/ईए/ईसीसी दिनांक 10.09.2019 द्वारा दिनांक 19.02.1979 की नियुक्ति तिथि के आधार पर सेवा नियमित करने बारे स्थिति स्पष्ट करने के आदेश दिए गए।

कमेटी में लेखाधिकारी/अनुभाग अधिकारी हरियाणा सरकार द्वारा बनाये गये नियमों के विशेषज्ञ (Expert) थे, द्वारा सभी हिदायतों का अवलोकन करने उपरान्त निम्न अनुसार रिपोर्ट प्रस्तुत की मुख्यालय के पत्र क्रमांक 1682-92/ए3/एच०ए०आर० दिनांक 19.02.1979 के तहत जिन चालक/परिचालक/कर्मशाला के कर्मचारियों की सेवायें दिनांक 19.02.1979 को 240 दिन पूर्ण होती है उनकी सेवाएं नियमित की जानी थी। उपरोक्त कर्मचारी 19. 01.1979 को सेवा में आया था तथा दिनांक 19.02.1979 तक 240 दिन की सेवा पूर्ण नहीं की थी। अतः कर्मचारी नियमित सेवा का पात्र न होने पर 240 दिन बाद नियमित नहीं किया गया।

मुख्यालय के अन्य पत्र 421-441/ए2/ई3 दिनांक 12/01/2004 की हिदायत अनुसार कर्मचारी की सेवाएं

1. दिनांक 19.02.1979 तक 240 दिन की सेवा पूर्ण होने पर,
2. दिनांक 31.12.1979 तक दो वर्ष पूर्ण होने पर,
3. दिनांक 15.09.1982 को 2 वर्ष पूर्ण होने पर रैगुलर की जानी थी। कर्मचारी दिनांक 19.01.1979 को नियुक्त हुआ है, दिनांक 19.02.1979 तक 240 दिन पूर्ण नहीं करता। इसी प्रकार 31.12.1979 तक दो वर्ष पूर्ण नहीं करता है। कर्मचारी हिदायत अनुसार दिनांक 15.9.1982 को दो वर्ष पूर्ण करता है। अतः दिनांक 15.09.1982 से सेवाएं नियमित की गई है, जोकि सरकारी हिदायत के अनुकूल है।

अतः कर्मचारी का दिनांक 19.02.1979, 31.12.1979 से सेवा नियमित का दावा हरियाणा सरकार की हिदायतों अनुसार ठीक नहीं है।

हस्ता

महाप्रबन्धक

हरियाणा राज्य परिवहन, रोहतक।

The reply submitted by department is placed before the Committee in its meeting held on 17.05.2022. After discussion, the Committee decided that the petition/representation is disposed off.

**8. PETITION/REPRESENTATION RECEIVED FROM SHRI KHUSHI RAM S/O SHRI DHANI RAM, VILLAGE SABALPUR, TEHSIL MUSTAFABAD (SARSWATI NAGAR), DISTRICT YAMUNANAGAR AND OTHERS REGARDING TRANSFER OF THE MUSTAFABAD FARMERS SERVICE CO-OPERATIVE SOCIETY FROM SBI BANK TO HARYANA CO-OPERATIVE BANK, WHICH READS AS UNDER: -**

सेवा में

श्री मान चैयरमेन  
याचिका समिति हरियाणा विधान सभा  
चण्डीगढ़।

**विषय—** मुस्तफाबाद (सरस्वती नगर ) मे एक किसान समिति जिसका नाम दी मुस्तफाबाद किसान सेवा सहकारी समिति है को एस.बी.आई. बैंक से हटा कर हरियाणा सहकारी बैंक के साथ जोड़ने बारे।

श्री मान जी,

निवेदन यह है कि हम दी मुस्तफाबाद फार्मज सर्विस को० सो० मुस्तफाबाद (सरस्वती नगर) तहसील जगाधरी जिला यमुनानगर हरियाणा के सदस्य है और हमारी समिति के अन्दर 27 गांव आते है। जिनमें लगभग 5,000/- के करीब सदस्य है। हमारी समिति में सदस्यों को फसल के लिए अल्प अवधि ऋण दिया जाता है। हमारी समिति को 1977 में सहकारी बैंक से हटाकर स्टेट बैंक ऑफ पटियाला के साथ जोड़ दिया गया था। जो कि स्टेट बैंक ऑफ पटियाला से स्टेट बैंक ऑफ इण्डिया कर दिया गया है। 2006 के बाद जब नई कृषि ऋण पोलिसी आई थी, तभी से हमारी समिति के सदस्यों को हरियाणा सरकार द्वारा जो कृषि वित्तीय सहायता जो दुसरी सहकारी समिति को मिलती है वह वित्तीय सहायता हमारी सहकारी समिति को नहीं मिलती। भारतीय स्टेट बैंक, समिति से 12 प्रतिशत ब्याज चार्ज करता रहा है और जो समितियां सहकारी बैंक से फाइनेंस है। उन समितियों के सदस्यों को शून्य प्रतिशत पर अल्प अवधि ऋण उपलब्ध होता है जिसमे तीन केन्द्र सरकार द्वारा या 4 प्रतिशत राज्य सरकार द्वारा सहायता प्रदान की जाती है जो हमारी समिति को प्राप्त नहीं होती है।

अतः आप से निवेदन यह है कि दी मुस्तफाबाद फार्मज सर्विस को० सो० मुस्तफाबाद को स्टेट बैंक ऑफ इण्डिया से हटा कर को० ओ० सहकारी बैंक के साथ जोड़ दिया जाये ताकि हम कृषि सदस्यों को हरियाणा सरकार द्वारा वा केन्द्र सरकार द्वारा समय समय पर दी जाने वाली वित्तीय सहायता हमारी समिति के – सदस्यों को भी प्राप्त हो सके। आप की अति कृपा होगी।

धन्यवाद।

भवदीय

हस्ता

खुशी राम पुत्र श्री धनीराम, गांव साबलपुर तहसील मुस्तफाबाद  
(सरस्वती नगर) जिला यमुनानगर व अन्य।

The Petition/Representation was placed before the Committee in its meeting held on 23.11.2021 and the Committee considered the same & decided that said petition/representation may be sent to the concerned department for their comments/reply within a period of 10 days. The Committee was received reply from the concerned department, which reads as under: -

To

Secretary,  
Haryana Vidhan Sabha Secretariat,  
Chandigarh.

Memo No. 1/2/2004/C-3 /1063 Dated 20.05.2022

**Subject: Meeting of the Committee on Petition.**

Reference Haryana Vidhan Sabha letter No. HVS/Petitions/2/2022/10206-15 dated 18.05.2022

On the subject and reference cited above.

A meeting of 'Committee on Petitions' of Haryana Vidhan Sabha has been scheduled for 24-05-2022 at 11:00 AM at Old Committee Room, Haryana Vidhan Sabha Secretariat, Chandigarh. In the said meeting, agenda no. 3 (a) is as follows-

*"Sh. Khushi Ram S/o Sh. Dhani Ram Village Sabalpur. Tehsil Mustafabad (Saraswati Nagar), District Yamuna Nagar and Others regarding transfer of The Mustafabad Farmers Service Cooperative Society from SBI to Haryana Cooperative Bank.*

In this regard, the Board of Directors of the Mustafabad Cooperative Farmers' Service Society Ltd., Mustafabad (Yamuna Nagar) passed a resolution dated 13-10-2008 for detaching the society from State Bank of Patiala (now merged with SBI) and affiliating the same with The Yamuna Nagar District Central Cooperative Bank Ltd., Yamuna Nagar Further, General Body of the society passed a resolution dated 24-08-2010 to this effect. Accordingly, Registrar Cooperative Societies, Haryana. Panchkula accorded its approval vide Memo No. 1/2/04/C-3/13976 dated 04-11- 201. Further, a Sub-Committee consisting of following officers was constituted vide Memo No. 1/2/04/C-3/1069 dated 09-02-2011 issued by this office.

1. Assistant Registrar Cooperative Societies, Yamuna Nagar
2. General Manager, Harco Bank
3. General Manager, State Bank of Patiala (now merged with SBI)
4. General Manager, The Yamuna Nagar DCCB Ltd, Yamuna Nagar

However, the issue of payment to State Bank of Patiala was not resolved and consequently, the matter did not yield results at that time.

Now, Board of Directors of the society has again passed resolution no. 5 dated 21-09-2020 to the effect of affiliating the society with Cooperative Bank and detaching from State Bank of Patiala (now merged with State Bank of India). In view of the same, Assistant Registrar Cooperative Societies Yamuna Nagar was directed vide this office Memo No. 1/02/04/C-3/4011 dated

06-04-2021 to convene the meeting of Sub-Committee constituted for the said purpose.

In compliance of the same, ARCS Yamuna Nagar convened the meeting of Sub-Committee on 25-02-2022 which was attended by following officers-

- (i) Sh. Pradeep Chauhan, ARCS, Yamuna Nagar
- (ii) Sh. Krishan Murari, Chief Manager, State Bank of India
- (i) Sh. Rajender Mehra, General Manager, District Central Cooperative Bank, Yamuna Nagar

In the said meeting. Sh. Krishan Murari Chief Manager, SBI informed that the payment liabilities of Mustafabad FSS were Rs. 4.63 Crores approx. as on 09-06-2018. He further informed that SBI was ready to enter into compromise and the court case filed by State Bank of India (SBI) would also be withdrawn after receipt of the stipulated amount. Exact amount for compromise would be submitted in next meeting. Proceedings of the said meeting dated 25-02-2022.

The next meeting of the Committee was held on 06-04-2022, which was attended by following officers-

- (1) ARCS, Yamuna Nagar
  - (ii) General Manager, Harco Bank, Chandigarh
  - (iii) Sh. Rajender Mehra, General Manager, District Central Cooperative Bank, Yamuna Nagar

However, the representative of State Bank of India (Earlier State Bank of Patiala) did not attend the above meeting, due to which no decision could be taken in the meeting dated 06-04-2022. This office again directed ARCS, Yamuna Nagar vide letter dated 15-04-2022 for convening meeting of the committee and decide the matter in an expeditious manner.

The above report is submitted for kind consideration and further action please.

-Sd-

(Indira Rawat)  
Deputy Superintendent (Credit)  
for Registrar Cooperative Societies,  
Haryana, Panchkula.

Thereafter, the Committee orally examined with the concerned departmental representatives and petitioner/applicant in its meeting held on 24.05.2022. The departmental representatives informed the Committee that the matter is already pending in the Civil Court, the Committee decided that the petition/representation is sub-judice, accordingly disposed off the petition.



- 9. PETITION/REPRESENTATION FROM SH. SURESH PANWAR S/O TARA CHAND PANWAR HOUSE NO. 53, PINE HOMES SOCIETY, DHAKOLI, ZIRAKPUR, MOHALI (PUNJAB)., REGARDING WITHDRAWAL OF TERMINATION ORDER NO. 193/ESTT-1 DATED 24.07.2004 AND GRANT OF CONSEQUENTIAL BENEFITS OF PAST SERVICE RENDERED ON ADHOC BASIS BEFORE JOINING AS REGULAR., WHICH READS AS UNDER: -**

To

Chairperson,  
Petition Committee Haryana Vidhan Sabha,  
Chandigarh.

**SUB.: REQUEST FOR WITHDRAWAL OF TERMINATION ORDER NO. 193/ESTT-1 DATED 24.07.2004 AND GRANT OF CONSEQUENTIAL BENEFITS OF PAST SERVICE RENDERED ON ADHOC BASIS BEFORE JOINING AS REGULAR.**

**Preliminary submissions: -**

1. Petitioner is a permanent resident of Haryana and is working as lecturer in Technical Education Department Haryana and presently posted as Assistant Secretary in Haryana State Board of Technical Education, Panchkula.
2. The prayer made by the petitioner in the present petition is covered under the functions of the Committee on Petitions, Haryana Vidhan Sabha U/R 269 of the Haryana Vidhan Sabha.

**Main submissions:**

1. Petitioner is working as Lecturer on regular basis in Technical Education Department Haryana since 06.03.2007 (A/N) and presently posted as Assistant Secretary in Haryana State Board of Technical Education, Panchkula.
2. Before appointment as lecturer on regular basis the petitioner was appointed as lecturer in Mechanical Engg. on adhoc basis on at govt. Polytechnic Jhajjar, initially for a period of six months. However, the condition of six months was revoked as per directions of Hon'ble Punjab and Haryana high court in CWP No. 7727 of 1996 titled as Rajiv Verma and others V/s. State of Haryana and others. Resultantly, the services of petitioner were to be continued till regularly selected candidate joins at his place
3. It is pertinent to mention here that Hon'ble High Court laid down the procedure of termination of services of adhoc/contractual employees vide its order dated 28.07.1998 issued in CWP No. 18237 of 1997 filed by Sh. Shamsher Singh and others. The operative part of the decision on this Civil Writ Petition is given as under :-

*..." The respondents will allow the petitioners to continue in service till the availability of regularly selected candidates or till the vacant/sanctioned posts are available. The petitioners will be given salary*

*in the regular pay scale after their reappointment on contractual basis as was being given to them upon their initial appointment on adhoc basis, with all consequential reliefs/benefits. However, services of the petitioners can be terminated/ discontinued on the ground of unsuitability or unsatisfactory performance. The respondents can also dispense with the services of the petitioners in accordance with the rule of last come first go if the sanctioned posts are abolished or regularly selected persons join services"...*

4. However, the Respondent No. 2 terminated the services of petitioner vide order No. 193/Estt-1 dated 24.07.2004 in contravention of the above mentioned orders of Hon'ble Punjab and Haryana High Court as mentioned in Para 2 & 3 above as the service of petitioner should have been terminated only after joining of regularly selected candidates but the Department terminated his services illegally, in spite of the fact that no regularly selected candidate had joined in place of the petitioner as per first come last go basis and there were 4 posts still vacant in Mechanical Engg. due to non-joining of regularly selected candidates. The petitioner has requested to respondents vide request dated 14.04.2005, 17.05.2005 and 27.05.2005 through various modes and sources to re- instate /retain him on the post of lecturer in Mech. Engg. due to non-joining of HPSC selected candidates.

5. The submissions made in para 4 above are confirmed and corroborated from the contents of Department letter No.3437 dated 18.10.2005 which provides that 04 numbers of posts of lecturer in Mechanical Engineering were vacant due to non-joining of regularly selected candidates or otherwise and as per seniority of the terminated employees, the name of petitioner was at Sr. no. 3. Relevant extract of the department's letter dated 18.10.2005 is reproduced here as under:

*"It is further submitted that the State Govt. have cancelled the appointment letters of the following persons on account of not joining the service as per terms and conditions of their appointment letter".*

- |     |                    |                   |
|-----|--------------------|-------------------|
| 1.  | Sh. Yogesh Bahri   | Mech. Engg.       |
| 2.  | Sh. Narender Kumar | Mech. Engg.       |
| 3.  | Sh. Anubhav Mehta  | Mech. Enggg.      |
| 4.  | Sh. Dinesh Sharma  | Elect. Engg.      |
| 5.  | Sh. Rakesh Chauhan | Electronics Engg. |
| 6.  | Miss Sangeeta      | Computer Engg.    |
| 7.  | Sh. Sachin Sangwan | Computer Engg.    |
| 8.  | Sh. Rajeev Bahout  | Computer Engg.    |
| 9.  | Sh. NareshChauhan  | Programmer        |
| 10. | Sh. Manoj Kumar    | Architect.        |

The State Government has been requested to cancel the appointment letters of the following:

1. Smt. Anupmalamba Computer Engg.
2. Sh. Surinder Singh Rathor Mech. Engg.

**Had services of the persons working on adhoc/contract basis were terminated after joining the recommended of HPSC, the following persons would have continued in services as per their seniority in merit:**

1. Sh. Inderjeet Singh Mech. Engg.
2. Sh. Raj Kumar Mech. Engg.
3. **Sh. Suresh Kumar** Mech. Engg.
4. Sh. Sanjay Sharma Mech. Engg.
5. Sh. Panjab Singh Electronics Engg.
6. Miss Suman Computer Engg.
7. Sh. Jagan Nath Computer Engg.
8. Sh. Sunil Kumar Computer Engg.
9. Sh. Ashok Kumar Computer Engg.
10. Rajbir Singh Programmer
11. Sh. Gopal Goel Architect.

6. So, the petitioner was required to be readjusted/appointed against the vacant post in terms of the procedure laid down by Hon'ble Punjab and Haryana High Court in CWP No. 18237 of 1997 but contrarily the department lingered on the issue on the pretext one or another and illegally kept him out of service from 26.07.2004 to 06.03.2007. In the meantime, he was selected through HSSC on regular basis on the same post and joined on regular basis w.e.f. 06.03.2007 (A/N). Had the department not kept him out of service from 26.07.2004 to 06.03.2007 illegally he would have been entitled to the benefits of past service rendered on adhoc basis from 06.01.1996 to 06.03.2007 before joining on regular basis. Due to the fact that he was illegally kept out of service from 26.07.2004 to 06.03.2007, his past service rendered on adhoc basis before 26.07.2004 (06.01.1996 to 25.07.2004) had gone waste for which department is liable.

7. It is pertinent to mention here that some similarly situated Adhoc / Contractual Lecturers were not terminated at that time namely Sh. Harish Dhingra, Lecturer in Mechanical Engg. etc, and their services were later on regularized under regularization policy of 2011. Likewise, some other Adhoc Lecturers like Sh. Arun Kumar, Lecturer in Mechanical Engg... Sh. Sanjeev Walia, Lecturer in Mechanical Engg., Sh. Pawan Chawla, Lecturer in Mechanical Engg. etc. were not terminated and they were subsequently selected on regular basis. They got all benefits of their past service rendered on adhoc

basis. Accordingly, had the petitioner not been kept out of service illegally he would have got all benefits of adhoc service rendered before joining on regular basis.

8. The petitioner has been representing the Respondent No. 1 & 2 through various modes and sources vide representation dated 03.03.2010. Hence the petitioner has been running from pillar to post for continuation of his services rendered on adhoc basis.

9. The petitioner requested the Respondent No. 2 vide representation dated 26.07.2011. In the meantime, with the approval of Finance Department conveyed vide U.O. No. 1/41/2012-1-PR(FD) dated 28.10.2013, the Respondent No. 1 directed the Respondent No. 2 to grant the benefit of pay protection to this petitioner vide Memo No. 58/11/2007-1TE dated 28.11.2013. Accordingly, the Respondent No. 2 re-fixed the pay of petitioner vide order No. 449/Adm-1 dated 16.07.2014 giving benefit of past service towards increments.

10. However, the Respondent No. 2 in contravention to the approval granted by Finance Department vide U.O. dated 28.10.2013 unilaterally withdrew the benefit of increments of past service vide order dated 12.12.2019 and re-fixed the pay of petitioner deducting the increments of benefit vide order No. 536/Admn dated 23.12.2019. Being this Act of petitioner no. 2 arbitrary and unlawful, the petitioner knocked the door of law and filed CWP No. 267 of 2020 (O&M) against the above said orders of Respondent No. 2 on which Hon'ble Punjab and Haryana High Court vide order dated 28.01.2020 granted stay on the operation of impugned order dated 12.12.2019 and 23.12.2019. **Thus, it is evidently clear that the CWP No. 267 of 2020 is particularly against the impugned order dated 12.12.2019 and 23.12.2019 of Respondent No. 2, however, no other court case has either been filed or pending or sub-judice in any court of law regarding the issue of illegal termination of the adhoc services of the petitioner.**

11. Petitioner again submitted representation dated 23.06.2020 to Respondent No. 1 and dated 31.07.2020 to Respondent No. 2 regarding the withdrawal of termination order No. 193/Estt. Dated 24.07.2004 and grant of consequential benefits of past service rendered on adhoc basis before joining as regular. It is pertinent to mention here that Respondent No. 2 while sending my case to Govt. /FD for granting benefit of past adhoc service has clearly admitted that had the principles of last come first go been followed, the services of petitioner would not have been terminated.

12. Though, the Respondent No. 1 & 2 have admitted on record time and again that the principles/procedure prescribed by Hon'ble Punjab and Haryana High Court vide order passed in CWP No. 18237 of 1997 has not been followed which was an error but have not conveyed any decision to the petitioner on his representations given time and again for the same. At present also the representation dated 23.06.2020 given to Respondent No. 1 and representation dated 31.07.2020 given to Respondent No. 2 are undecided and

being lingering on the pretext one or another. While consulting the office it was revealed that the case is undecided mainly for two reasons viz.: -

1. The matter is subjudice in CWP No. 267 of 2020
2. The case is over delayed being old matter.

Both the above contentions revealed by the office are merely delaying tactics, otherwise, as stated above, the CWP No. 267 of 2020 is against the impugned order dated 12.12.2019 and 23.12.2019 of Respondent No. 2 vide which the benefit of pay protection /increments was illegally withdrawn. Likewise the delay being old case in question regarding illegal termination of adhoc service is also on the part of Respondent No. 1 and 2. The petitioner has been representing the Respondent No. 1 and 2 time and again vide representations dated 14.04.2005, 17.05.2005, 27.05.2005, 03.03.2010, 23.06.2020 and 31.08.2020 etc. but no decision on the issue of illegal termination of adhoc service and re-adjustment/appointment of petitioner on non-joining of regularly selected candidate, has been taken. This issue is being lingering on one pretext or the other.

**Prayer: -**

Respondent No. 1 & 2 may kindly be directed to withdraw the impugned order No. 193/Est-1 dated 24.07.2004 vide which the adhoc services of petitioner were illegally terminated in contravention of the procedure laid down by Hon'ble Punjab and Haryana High Court vide order dated 28.07.1998 issued in CWP No. 18237 of 1997 and his service may kindly be treated to be continued upto 06.03.2007 (26.07.2004 to 06.03.2007) on adhoc basis for all consequential benefits.

Harkesh Manuja & Karnvir Singh Hooda  
Advocates Counsel for The Petitioner on behalf of  
Shri Suresh Panwar S/o Tara Chand Panwar  
House No. 53, Pine Homes Society Dhakoli,  
Zirakpur, Mohali (Punjab)

The Petition/Representation was placed before the Committee in its meeting held on 27.07.2021 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee received reply from the concerned department, which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha Secretariat,  
Chandigarh

**Memo No: 11/13/2021-2TE    dated Chandigarh, the 03.09.2021.**

**Sub: Haryana Vidhan Sabha/ Petition/ 777/2021-22/19828- request of Sh. Suresh Panwar, Lecturer in Mechanical Engg. for withdrawal of termination order no. 193/ estt-1 dated 24.07.2004 and grant of consequential benefits of past service rendered on adhoc basis before joining as regular.**

In reference to your letter no. HVS/Petition/777/2021-22/19828 dated 02.08.2021 and letter no. HVS/Petitions/2/2021/21323-33 dated 18.08.2021 on the subject cited above.

In this regard the following comments/reply of this department, are given as under-

**PRELIMINARY SUBMISSIONS:**

1. That vide this office letter no. 146/Est-II/dated 30.11.1995, this department sent the requisition to Employment Exchange for the engagement of 07 candidates (05 Gen, 01 SCA and 01 BCA) for the post of Lecturer in Mechanical Engineering on adhoc basis along with other disciplines also.
2. That accordingly, vide letter dated 21.12.1995, the Employment Exchange recommended a list of 07 candidates (03 SCA, 03 BCA and 01 General) for adhoc appointment against the post of Lecturer in Mechanical Engineering and the name of Sh. Suresh Kumar (petitioner) was recommended against the BC category by the Employment Exchange
3. That after conducting the interview by the selection committee, 04 candidates were selected for appointment against the post of Lecturer in Mechanical Engineering on adhoc basis including Sh. Suresh Kumar was appointed on adhoc basis on 06.01.1996 *initially for a period of six month only and he will stand relieved as soon as recommended of HPSC joins the post held by him, whichever is earlier.* However, he was adjusted against the post of General Category.
4. That thereafter, the department also started the process of regular recruitment for the posts of Lecturer in various disciplines/ Programmer through the Haryana Public Service Commission (HPSC) and accordingly, the requisition for these posts was sent to HPSC.
5. That in pursuant to above requisition, in the year 2003, the HPSC recommended candidates for regular appointment for the various posts of Lecturer in various disciplines/ Programmer vide letter No. RG 21/2002/13711 dated 14.10.2003.
6. That consequent upon selection of regular candidates for the various posts of Lecturer in various disciplines/ Programmer including in the discipline of Mechanical Engineering through the HPSC recommended vide letter No RG 21/2002/13711 dated 14.10.2003, the department issued regular appointment letters to the selected candidates against the vacant available posts at that time in the year, 2004 following the category wise distribution of posts. However, against some posts, the candidates already working on adhoc basis and they had filed various writ petitions before the Hon'ble Punjab and

Haryana High Court, Chandigarh regarding their regularization of their services.

7. That these writ petitions were disposed off and dismissed by the Hon'ble High Court, Chandigarh vide decision dated 23.07.2004. Accordingly, in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of these adhoc employees including Sh. Suresh Kumar (about 63 Lecturer Programmers who were working on adhoc basis) were terminated by this department vide office order no. 123/Estt. I dated 24.07.2004 and the name of Sh. Suresh Kumar was mentioned at Sr.No. 21 in the said termination letter in the Mechanical Engineering discipline.

8. That accordingly, after termination of the services of above 63 adhoc/contract employees, the department issued regular appointment letters to the remaining already selected candidates who were recommended by HPSC vide above letter No. RG 21/2002/13711 dated 14.10.2003 against the posts occupied by these adhoc employees in the month of July, 2004.

9. That in the discipline of Mechanical Engineering, the HPSC has recommended 30 candidates (16 General, 04 SCA, 04 SCB, 03 BC, 01 ECM and 02 PH) and against the available vacant post, some candidates were joined in January, 2004. However, against remaining posts some adhoc employee were working and in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of 24 adhoc employees in Mechanical discipline were terminated. But against the termination of 24 persons of adhoc employees, only 21 recommended by HPSC joined on the post of Lecturer in Mechanical Engg and 03 regular recommended namely Sh. Narender Kumar (General Category), Sh. Yogesh Bahri (General Category) and Sh. Anubhav Mehta (PH category) did not join. Therefore, against these 03 posts, Sh. Inderjeet Singh, Sh. Raj Kumar and Sh. Suresh Kumar adhoc employees who were terminated, submitted representations for re-joining of them in view of procedure laid down in CWP No. 18237 of 1997 due to availability of 03 posts. Accordingly, vide this office memo no. 3437/Estt-1 dated 18.10.2005, the State Govt was requested to take the advice of AG Haryana whether the above adhoc employee who were terminated, can be taken back in service or not.

10. That it is also relevant to mention here that before termination of adhoc services of Sh. Suresh Kumar, earlier the name of Sh. Suresh Kumar was recommended by employment exchange against the category of BC for joining on adhoc basis but he was adjusted against General Category on adhoc basis and against the 03 BC category vacancy, 03 candidates of BC category recommended by HPSC and they joined their services.

11. That however, in the meantime, in the year 2005-06, the department has again also started the process of regular recruitment for the remaining/ newly sanctioned posts of Lecturer in various disciplines/Programmer and sent new requisition for regular recruitment to the Haryana Staff Selection Commission (HSSC) and accordingly, against Advt. No. 01/2005, the HSSC recommended candidates for regular appointment for these posts of Lecturer in various

disciplines/Programmers vide letter No. HSSC Confd- Lect. Tec/1180 dated 20.12.2006 and in the said recommendation list of HSSC, the name of Sh. Suresh Kumar was also recommended against the post of Lecturer in Mechanical Engineering.

12. That consequent upon above selection of regular candidates for the various posts of Lecturer in various disciplines/Programmer including in the discipline of Mechanical Engineering through the HSSC, Sh Suresh Kumar was appointed as Lecturer in Mechanical Engineering on regular basis vide Govt. memo no. 51/31/2006-1TE dated 06.03.2007 and he joined this department on 06.03.2007.

13. That some Lecturers who were either working on adhoc/ contract basis and their services were terminated vide office order no 193/Estt-1 dated 24.07.2004, they have also been selected on regular basis in 2007 against the above recommendation of HSSC

14. That there is a gap of approximately 02 years and 7 months between the period of termination of services and regular joining of Sh. Suresh Panwar.

15. That after regular joining, Sh. Suresh Panwar submitted many representations including other similar situated employees with the request for condonation of their gap period of termination of services and regular joining, for counting their benefits of past service rendered by them. The same were dealt by the department and sent to State Government for consideration. Lateron, the State Government vide their Memo No. 58/11/2007-1TE dated 28.11.2013, has advised to the department to take action as per provisions contained in Rule 4.4 (b) of Civil Service Rules (CSR) vol-1.

16 That accordingly, the department vide memo no. 3892-94/Admn-1 dated 05.05.2014 directed to concerned Principals to sent the cases of Sh. Inderjit Singh, Lecturer in Auto Engineering, Sh. Raj Kumar Chauhan, Lecturer in Auto Engineering, Sh. Suresh Panwar, Lecturer in Mechanical Engineering and Sh. Panjab Singh, Lecturer in Electronics Engineering who worked on adhoc basis regarding benefits of past services keeping in view of provisions contained in Rule 4.4 (b) of Civil Service Rules (CSR) vol-1. Thereafter, the pay of Sh. Suresh Panwar was re-fixed by giving benefit of past service towards increments only vide this office order No. 449/Admn-I dated 16.07.2014 However, the cases of other 03 Lecturers were under consideration with the department.

17. That during the consideration of cases of remaining above 03 Lecturers, it was observed the benefit of past services rendered by these adhoc employees is not covered under the said Rule 4.4 (b) of Civil Service Rules (CSR) vol-1, as the gap period between adhoc services rendered by Sh. Suresh Kumar including remaining above 03 Lecturers and his subsequent regular appointment on regular basis on 06.03.2007, is more than 01 year and the benefit of adhoc services towards increment (protection of pay) is contrary to



the provision contained in Rule 4.23 Of CSR Vol-II which clearly states that the interruption should not be of more than one year's duration. Accordingly, the case of Sh. Suresh Panwar was re-examined by the department and the benefits of past services was withdrawn vide this office memo no. 6118-19 dated 12.12.2019 and the pay of Sh. Suresh Panwar was revised/re-fixed vide office order no. 536 dated 23.12.2019 as per provisions in rules.

18 That aggrieved from the above withdrawal of benefits of past services and re-fixation of pay, Sh. Suresh Kumar filed a CWP No. 267 of 2020 titled Suresh Kumar Vs State of Haryana before the Hon'ble High Court, Chandigarh. The said Civil Writ Petition came for hearing on dated 28.01.2020 and the Hon'ble High Court stayed the operation of above withdrawal order dated 12.12.2019 and re-fixation of pay order dated 23.12.2019. The operative part of the said order is reproduced as under: -

"In the meantime, operation of the impugned orders dated 12.12.2019 & 23.12.2019 (Annexure P-5& P-6) shall remain stayed."

The department has filed the reply in the said case and the next date of hearing in the said case is fixed for hearing on 06.12.2021.

19, That thereafter, Sh. Suresh Panwar has also submitted a representation dated 23.06.2020 to Government, with the prayer that the order vide which his adhoc services were terminated due to selection of regular candidates vide termination order No. 193/Estt-I dated 24.07.2004, may be withdrawn being illegal and his adhoc services may be treated to be continued in service upto 06.03.2007 on adhoc basis. The period from 26.07.2004 to 06.03.2007 during which he was kept out of service illegally, he may be given benefits thereof for all intents and purposes. Further, he has also prayed that however, if the Government may not find it feasible to give monetary benefits of this period, as qualifying services to be counted for all other purposes except pay, so that his previous service from 06.01.1996 to 06.03.2007 may be counted.

20. That Sh. Suresh Panwar has also submitted a similar representation/petition before the Committee on petitions of the Haryana Vidhan Sabha with the same prayer that the order vide which his adhoc service were terminated due to selection of regular candidates wide termination order No. 193/Est dated 24.07.2004 may be withdrawn being illegal and his adhoc services may be treated to be continued in service upto 06.03.2007 on adhoc basis. The period from 26.07.2004 to 06.03.2007 during which he was kept out of service illegally, he may be given benefits thereof for all intents and purposes. Further, he has also prayed that however, if the Government may not find it feasible to give monetary benefits of this period, at qualifying services to be counted for all other purposes except pay, so that his previous service from 06.01.1996 to 06.03.2007 may be counted which was received through letter no. HVS/Petition/777/2021-22/19828 dated 02.08.2021 with the direction to sent the comments/ reply within 10 days.

21. That now, on the said petition, the meeting of the Committee has been fixed on 31.08.2021 for oral examination at 11:15 AM in the old committee room, Haryana Vidhan Sabha Secretariat, Chandigarh. Now, the same has been postponed vide letter no. HVS/Petitions/2/2021/21745-55 dated 25.08.2021 and fixed for hearing on 07.09.2021 vide letter no. HVS/Petitions/2/2021/22224-34 dated 01.09.2021

22 That in view of facts and position explained above and due to selection of regular candidates through HPSC in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of Sh. Suresh Kumar including similar 63 Lecturers/Programmers adhoc employees (who were working on adhoc basis) were rightly terminated by this department vide office order no. 143/Estt. I dated 24.07.2004 keeping in view of the procedure laid down by the Hon'ble Punjab and Haryana High Court Vide order dated 22.07.1998 issued in CWP No. 18237 of 1997 and his adhoc services rendered by him from 26.07.2004 to 06.03.2007 prior to regular joining w.e.f 06.03.2007, may not be considered for consequential benefits. However, Sh. Suresh Panwar also filed CWP No. 267 of 2020 before the Hon'ble High Court, Chandigarh with the prayer for quashing the order dated withdrawal order dated 12.12.2019 and re-fixation of pay order dated 23.12.2019 and for grant of all consequential benefits of past services rendered by him, which is pending for adjudication in the Hon'ble Court. The said CWP is fixed for heating on 06.12.2021

**PARA-WISE REPLY ON REPRESENTATION:**

Sr. No	Para	Reply of department
1	Petitioner is working as Lecturer on regular bass in Technical Education Department Haryana since 06.03.2007 (A/N) and presently posted as Assistant Secretary in Haryana State Board of Technical Education, Panchkula	That consequent upon the selection of regular candidates for the various posts of Lecturer in various disciplines/including Programmer in the discipline of Mechanical Engineering through the HSSC, Sh Suresh Kumar was appointed as Lecturer in Mechanical Engineering on regular basis vide Govt memo no 51/31/2006 1TE dated 06.03.2007 and he joined this department on 06.03.2007. Presently he is working as Assistant Secretary on deputation basis in Haryana State Board of Technical Education, Panchkula
2	Before appointment as Lecturer on regular basis the petitioner was appointed as Lecturer in	That vide this office letter no 146/Estt-II/dated 0.11.1995, this

	<p>Mechanical Engg on adhoc basis on 06.01 1996 at Govt. Polytechnic, Jhajjar, initially for a period of six months However, the condition of six months was revoked as per directions of Hon'ble Panjab and Haryana High Court in along with other disciplines also CWP No 7727 of 1996 titled as Rajiv Verma and other Vs State of Haryana and others. Resultantly, the services of petitioner were to be continued till regularly selected candidate joins at his place</p>	<p>department sent the requisition to Employment Exchange for the engagement of 07 candidates (05 Gen, 01 SCA and 01 DCA) for the post of Lecturer in Mechanical Engineering on adhoc basis along with other disciplines aslo.</p> <p>That accoringly, vide letter dated 21.12.1995, the Employment Exchange recommended a list of 07 candidates (03 SCA 03 BCA and 01 General for adhoc appointment against the post of Lecturer in Mechanical Engineering and the name of Sh. Suresh Kumar (petitioner) recommended against the BC category by the Employment Exchange.</p> <p>That after conducting the interview by the selection Committee, 04 candidates were selected for appointment against the post of Lecturer in Mechanical Engineering on adhoc bases including Sh. Suresh Kumar, was appointed on adhoc ban on 06.01 1996 initially for a period of six month only and he will stand relieved as soon as recommend of HPSC joins the post held by him, when whichever, is earlier, However, he was adjusted against the post of General Category.</p>
3	<p>It is pertinent to mention here that Hon'ble High Court laid down the procedure of termination of services of adhoc/ contractual employees vide its order dated 28. 07. 1998 issued in CWP No. 18237 of 1977 filed by Sh Shamsher Singh and other. The operative part of the decision on this Civil Writ Petition is given as under: -</p> <p>“...The respondents will allow the petitioners to continue in service till the availability of</p>	<p>It is a matter of record</p>

	regularly selected candidates or till the vacant sanctioned posts are available. The petitioners will be given salary in the regular pay scale after their reappointment on contractual basis as was being given to them upon their initial appointment on adhoc basis, with all consequential reliefs/benefits. However, services of the petitioners can be terminated/ discontinued on the ground of unsuitability or unsatisfactory performance. The respondents can also dispense with the services of the petitioners in accordance with the rule of last come first go if the sanctioned posts are abolished on regularly selected persons join services..."	
4	<p>However, the Respondent No 2 terminated the services of petitioner vide order No 193/E-1 dated 24.07.2004 in contravention of the above mentioned order of Hon'ble Punjab and Haryana High Court as mentioned in Para 2 &amp; 3 above as the service of petitioner should have been terminated only after joining of regularly selected candidates but the Department terminated his services illegally, in spite of the fact that no regularly selected candidate had joined in place of the petitioner as per first come last go basis and there were 4 posts still vacant in Mechanical Engg. due to non-joining of regularly selected candidates. The petitioner has requested to respondents vide request dated 14.04.2005, 17.05.2005 and 27.05.2005 through various modes and sources to re-instate/ retain him on the post of lecturer in Mech. Engg. due to non joining of HPSC selected candidates.</p>	<p>That in the year 2003, the HPSC recommended candidates for regular appointment for the various posts of Lecturer in various disciplines/ Programmer vide letter No RG 21/2002/13711 dated 14.10.2003.</p> <p>That consequent upon selection of regular candidates for the various posts of Lecturer in various disciplines/ Programmer including in the discipline of Mechanical Engineer through the HPSC recommended vide letter No. RG 21/2002/13711 dated 14.10.2003, the department issued regular appointment letters to the selected candidates against the vacant available posts at that time in the year, 2004 following the category wise distribution of posts. However, against some posts, the candidates already working on adhoc basis and they had filed various writ petitions before the Hon'ble Punjab and Haryana High Court, Chandigarh regarding their regularization of their services.</p>

		<p>That theses writ petitions were disposed off and dismissed by the Hon'ble High Court, Chandigarh vide decision dated 23.07.2004. Accordingly, in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of these adhoc employees including Sh. Suresh Kumar (about 63 Lecturer/ Programmers who are working on adhoc basis) were terminated by this department vide office order no 191/Estt. I dated 24.07.2005 and the name of Sh Suresh Kumar was mentioned at St. No. 21 in the said termination letter in the Mechanical Engineering discipline.</p> <p>That accordingly, after termination of the services of above 63 adhoc/ contract employees, the department issued regular appointment letters to the remaining already selected candidates who were recommended by HPSC vide above letter No RG 21/2002/13711 dated 14.10.2003 against the posts occupied by these adhoc employees in the month of July, 2004.</p>
5	<p>The submissions made in para 4 above are confirmed and corroborated from the contents of department letter no. 3437 dated 18.10.2005 which provides that 04 numbers of posts of lecturer in Mechanical Engineering were vacant due to non-joining of regularly selected candidates or otherwise and as per seniority of the terminated employees, the name of the petitioner was at St. No. 3. Relevant extract of the department's letter dated 18.10.2005 is produced here as under:</p>	<p>That in the discipline of Mechanical Engineering, the HPSC has recommended 30 candidates (16 General, 04 SCA, 04 SCB, 03 BC, 01 ECM and 02 PH) and against the available vacant post, some candidates were joined in January, 2004. However, against remaining posts some adhoc employee were working and in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of</p>

<p>"It is further submitted that the State Govt. have cancelled the appointment letters of the following person on account of not joining the service as per term and conditions of their appointment letter.</p> <ol style="list-style-type: none"> <li>1. Sh. Yogesh Bahri Mech. Engg.</li> <li>2. Sh. Narender Kumar Mech. Engg.</li> <li>3. Sh. Anubhav Mehta Mech. Enggg.</li> <li>4. Sh. Dinesh Sharma Elect. Engg.</li> <li>5. Sh. Rakesh Chauhan Electronics Engg.</li> <li>6. Miss Sangeeta Computer Engg.</li> <li>7. Sh. Sachin Sangwan Computer Engg.</li> <li>8. Sh. Rajeev Bahout Computer Engg.</li> <li>9. Sh. Naresh Chauhan Programmer</li> <li>10. Sh. Manoj Kumar Architect.</li> </ol> <p>The State Government has been requested to cancel the appointment letters of the following:</p> <ol style="list-style-type: none"> <li>1. Smt. Anupam Lamba computer Engg.</li> <li>2. Sh. Surinder Singh Rathor Mech. Engg.</li> </ol> <p><b>Had service of the persons working on adhoc/contract basis were terminated after joining the recommended of HPSC, the following persons would have continued in the services as per their seniority in merit:</b></p> <ol style="list-style-type: none"> <li>1. Sh. Inderjeet Singh Mech. Engg.</li> <li>2. Sh. Raj kumar Mech. Engg.</li> <li>3. <b>Sh. Suresh Kumar Mech. Engg.</b></li> <li>4. Sh. Sanjay Sharma Mech. Engg.</li> <li>5. Sh Panjab Singh Elect. Engg.</li> </ol>	<p>24 adhoc employees in Mechanical discipline were terminated. But against the termination of 24 persons of adhoc Govt have cancelled employees, only 21 recommend of HPSC joined on the post of Lecturer in Mechanical Engg. and 03 regular recommended namely Sh. Narender Kumar (General Category), Sh. Yogesh Bahri (General Category) and Sh. Anubhav Mehta (PH category) did not join. Therefore. against these remaining 03 posts, Sh. Inderjeet Singh, Sh. Raj Kumar and Sh. Suresh Kumar adhoc employees who were terminated, submitted representations for re-joining of them in view of procedure laid down in CWP No. 18237 of 1997 due to availability of 03 posts Accordingly, vide this office memo no. 3437/Estt-1 dated 18.10.2005, the State Govt. was requested to take the advice of AG Haryana whether the above adhoc employee who were terminated, can be taken back in service or not.</p> <p>It is relevant to mention here that before termination of adhoc services of Sh. Suresh Kumar, earlier the name of Sh. Suresh Kumar was recommended by employment exchange against the category of BC for joining on adhoc basis but he was adjusted against General Category on adhoc basis and against the 03 BC category vacancy, 03 candidates of BC category recommended by HPSC &amp; they joined their services.</p> <p>In the meantime, the department in</p>
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	6. Miss Suman Computer Engg. 7. Sh. Jagan Nath Computer Engg. 8. Sh. Sunil Kumar Computer Engg. 9. Sh. Ashok Kumar Computer Engg. 10. Sh. Rajbir Singh Programmer 11. Sh. Gopal Goel Architect.	<p>the year 2005-06, again sent new requisition for regular recruitment for the remaining/newly sanctioned posts of lecturer in various disciplines/Programmer to the Haryana Staff Selection Commission (HSSC) and accordingly, against Advt. No. 01/2005, the HSSC recommended candidates for regular appointment for the these posts of Lecturer in various disciplines/ Programmers vide letter No. HSSC-confd.Lect.Tec/1180 dated 20.12.2006 and in the said recommendation list of HSSC, the name of Sh. Suresh Kumar was also recommended against the post of Lecturer in Mechanical Engineering. That consequent upon above selection of regular candidates for the various posts of Lecturer in various disciplines/ programmer including in the discipline of Mechanical Engineering through the HSSC, Sh. Suresh Kumar was appointed as Lecturer in Mechanical Engineering on regular basis vide Govt., memo no 51/31/2006-1TE dated 06.03.2007 and he joined this department on 06.03.2007.</p> <p>That some Lecturer who were earlier working on adhoc/contract basis and their services were terminated vide office order no 193/Estt-I dated, 24.07.2004, they have also been selected on regular basis in 2007 against the above recommendation of HSSC.</p>
6	So, the petitioner was required to be readjusted/ appointed against the vacant post in terms of the procedure laid down by Hon'ble Punjab and	

	<p>Haryana High Court in CWP No. 18237 of 1997 but contrarily the department lingered on the issue on the pretext one or another and illegally kept him out of service from 26.07.2004 to 06.03.2007. In the meantime, he was selected through HSSC on regular basis on the same post and joined on regular basis w.e.f. 06.03.2007 (A/N). Had the department not kept him out of service from 26.07.2004 to 06.03.2007 illegally he would have been entitled to the benefits of past service rendered on adhoc basis from 06.01.1996 to 06.03.2007 before joining on regular basis. Due to the fact that he was illegally kept out of service from 26.07.2004 to 06.03.2007, his past service rendered on adhoc basis before 26.07.2004 (06.01.1996 to 25.07.2004) had gone waste for which department is liable.</p>	
7	<p>It is pertinent to mention here that some similarly situated Adhoc/ Contractual lecturers were not terminated at that time namely Sh. Harish Dhingra, Lecturer in Mechanical Engg. etc and these services were later on regularized under regularization policy of 2011 Likewise, some other Adhoc Lecturers like Sh. Arun Kumar, Lecturer in Mechanical Engineering, Sh. Sanjeev Walia, Lecturer in Mechanical Engg. Sh. Pawan Chawla, Lecturer in Mechanical Engg, etc. were not terminated and they were subsequently selected on regular basis. They got all benefits of their past service rendered on adhoc basis. Accordingly, had the petitioner not been kept out of service legally he would have got all benefits of adhoc service rendered before joining on regular basis.</p>	<p>In this regard it is intimated that due to selection of regular candidates by HPSC at that time, the termination of adhoc employee was made on the basis of their seniority. 24 junior adhoc persons were terminated due to regular recommended by HPSC, Sh. Harish Dhingra, Sh. Arun Kumar, Sh. Sanjeev Walia and Sh. Pawan Chawla were senior to Sh. Suresh Kumar and other adhoc employees whose service were terminated.</p>
8	<p>The petitioner has been representing the Respondent No 1 &amp; 2 through various modes and sources vide representation dated 03.03.2010. Hence the petitioner has been running from pillar to post for continuation of his services rendered on adhoc basis.</p>	<p>The submissions made in preliminary reply may kindly be considered.</p>
9	<p>The petitioner requested the Respondent no. 2 vide representation dated 26.07.2011 In the meantime, with the approval of Finance</p>	<p>That after regular joining Sh. Suresh Panwar, submitted many representations including other</p>



	<p>Department conveyed vide U.O. No. 1/41/2012-1-PR (FD) dated 24.10.2013 the Respondent No. 1 directed the Respondent No. 2 grant the benefit of par protection to this petitioner vide memo no. 55/11/2007-1TE dated 28.11.2013 Accordingly, the Respondent No. 2 re-fixed the pay of petitioner vide order no. 449/Admn.1 dated 16.07.2014 giving benefit of past service towards increments.</p>	<p>similar situated employees with the request for condonation of their gap period of termination of services and regular joining, for counting their benefits of past services rendered by them. The same were dealt by the department and sent to State Government for consideration. Lateron, the State Government vide their Memo No. 58/11/2007-1TE dated 28.11.2013 has advised to the department to take action as per provisions contained in Rule 4.4(b) of Civil Service Rules (CSR) vol-I.</p> <p>That accordingly, the department vide memo no 3892-94/Admn-I dated 05.05.2014 directed to concerned Principals to sent the cases of Sh. Inderjit Singh, Lecturer in Auto Engineering, Sh. Raj Kumar Chauhan, Lecturer in Auto Engineering and Sh. Suresh Panwar, Lecturer in Mechanical Engineering and Sh. Panjab Singh, Lecturer in Electronics Engineering who worked on adhoc basis regarding benefits of past services keeping in view of provisions contained in Rule 4.4(b) of Civil Service Rules (CSR) vol-1. Therefore, the pay of Sh. Suresh Panwar, was re-fixed by giving benefit of past service towards increments only vide this office order No. 449/Admn-1 dated 16.07.2014. However, the cases of other 3 Lecturers were under consideration with the department.</p> <p>That during the consideration of cases of remaining above 03 Lecturers, it was observed the benefit of pat services rendered by</p>
10	<p>However, the Respondent No 2 in contravention to the approval granted by Finance Department vide UO dated 28.10.2013 unilaterally withdrew the benefit of increment of past service vide order dated 12.12.2019 and re-fixed the pay of petitioner deducting the increments of benefit vale order no. 536/Admn. Dated 23.12.2019 Being this Act of petitioner no. 2 arbitrary and unlawful, the petitioner knocked the door of law and filed CWP No. 267 of 2020 (O&amp;M) against the above said orders of Respondent No 2 on which Hon'ble Punjab and Haryana High Court vide order dated 28.01.2020 granted to stay on the operation of impugned order dated 12.12.2019 and 23.12.2019 Thus, it is evidently clear that the CWP No. 267 of 2020 is particularly against the impugned order dated 12.12.2019 and 23.12.2019 of Respondent No., however, no other court case has either been filed or pending of sub-judice in any court of law regarding the issue of illegal termination of the adhoc services of the petitioner.</p>	

		<p>these adhoc employees is not covered under the said Rule 4.4 (b) of Civil Service Rules (CSR) vol-I, as the gap period between adhoc services rendered by Sh. Suresh Kumar including remaining above 03 Lecturers and his subsequent regular appointment on regular basis on 06.03.2007, is more than 01 year and the benefit of adhoc services towards increment (protection of pay) is contrary to the provision contained in Rule 4.23 Of CSR Vol II which clears states that the interruption should not be of more than one year's duration. Accordingly, the case of Sh Suresh Panwar was re- examined by the department and the benefits of past services was withdrawn vide this office memo no 6118-19 dated 12.12.2019 and the pay of Sh. Suresh Panwar was revised/re-fixed vide office order no. 536 dated 23.12.2019 as per provisions in rules.</p> <p>That aggrieved from the above withdrawal of benefits of past services and re-fixation of pay. Sh. Suresh Kumar filed a CWP No. 267 of 2020 titled Suresh Kumar Vs State of Haryana before the Hon'ble High Court, Chandigarh. The said Civil Writ Petition came for hearing on dated 28.01.2020 and the Hon'ble High Court stayed the operation of above withdrawal order dated 12.12.2019, and re-fixation of pay order dated 21.12.2019. The operative part of the said order is reproduced as under:-</p> <p><i>"In the meantime, operation of the impugned orders dated 12.12.2019</i></p>
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		<p>&amp; 23.12.2019 (Annexure P-5 &amp; P-6) shall remain stayed."</p> <p>The department has filed the reply in the said case and the next date of hearing in the said case is fixed for hearing on 06.12.2021</p>
11	<p>Petitioner again submitted representation dated 23.06.2020 to Respondent No. and dated 31.07.2020 to Respondent No. 2 regarding the withdrawal of termination order no 193/Estt. Dated 24.07.2004 and grant of consequential benefits of past service rendered on adhoc basis before joining as regular. It is pertinent to mention here that Respondent No. 2 while sending my case to Govt/ FD for granting benefits of past adhoc service has clearly admitted that had the principles of last come first go been followed, the services of petitioner would not have been terminated.</p>	<p>That in view of facts and position explained above and due to selection of regular candidates through HPSC in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of Sh. Suresh Kumar including similar 63 Lecturer Programmers adhoc employees (who were working on adhoc basis) were rightly terminated by this department vide office order no 193/Estt.1 dated 24.07.2004 keeping in view of the procedure laid down by the Hon'ble Punjab and Haryana High Court Vide order dated 22.07.1998 issued in CWP No. 18237 of 1997 and his adhoc services rendered by him from 26.07.2004 to 06.03.2007 prior to regular joining w.e.f. 06.03.2007, may not be considered for consequential benefits. However, Sh. Suresh Panwar also filed CWP No, 267 of 2020 before the Hon'ble High Court, Chandigarh with the prayer for quashing the order dated withdrawal order dated 12.12.2019 and re-fixation of pay order dated 23.12.2019 and for grant of all consequential benefits of past services rendered by him, which is pending for adjudication in the Hon'ble Court. The said CWP is fixed for hearing on 06.12.2021.</p>
12	<p>Through, the Respondent No 1 &amp; 2 have admitted on record time and again that the principles/ procedure prescribed by Hon'ble Panjab and Haryana High Court vide order passed as CWP No 18237 of 1997 has not been followed which was an error but have not conveyed any decision to the petitioner on his representation given time and again for the same. At present also the representation dated 23.06.2020 given to Respondent No. 1 and representation dated 31.07 2020 given to Respondent No. 2 are undecided and being lingering on the pretext one or another. While consulting the office it was revealed that the case is undecided mainly for two reasons viz: -</p> <ol style="list-style-type: none"> <li>1. The matter is sub-judice in CWP No. 267 of 2020</li> <li>2. The case is over delayed being old matter.</li> </ol> <p>Both the above contentions revealed by the office are merely delaying tactics, otherwise, as stated above, the CWP No. 167 of 2020 is against the</p>	

<p>impugned order dated 12.12.2019 and 23.12.2019 of Respondent No. 2 vide which the benefit of pay protection/ increments was illegally withdrawn, Likewise the delay being old case in question regarding illegal termination of adhoc service is also on the part of Respondent No. 1 and 2 The petitioner has been representing the Respondent No 1 and 2 time and again vide representation dated 14.04.2005, 17.05.2005, 27.05.2005, 03 03.2010, 23.06 2020 and 31.08.2020 etc. but no decision on the issue of legal termination of adhoc service and re-adjustment/ appointment of petitioner on non-joining of regularly selected candidate, has been taken. This issue is being lingering on one pretext or the other.</p> <p><b>Prayer: -</b></p> <p>Respondent No 1 and 2 may kindly be directed to withdraw the impugned order no 193/Estt-1 dated 24.07.2004 vide which the adhoc services of petitioner were illegally terminated in contravention of the procedure laid down by Hon'ble Punjab and Haryana High Court vide order dated 28.07.1998 issue in CWP No. 18237 of 1997 and his service may only be treated to be continued. 06.03.2007 (26.7.2004 to 06.03.2007) on adhoc basis for all consequential benefits.</p>	
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The reply/comments is submitted for kind consideration, please

Sd/-

Deputy Superintendent, Technical Education for  
Principal Secretary to Govt. Haryana Technical  
Education Department, Chandigarh.

The Committee further orally examined the Departmental representatives and petitioner on 07.09.2021 and Committee observed that the department give an opportunity of personal hearing to the Petitioner and submit the reply to the Committee. The department submit the reply after personal hearing to the petitioner, which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha Secretariat,  
Sector 1, Chandigarh- 160001.

Memo No: 2061 /Admin Dated: 19.05.2022

**Subject: Request for withdrawal of termination order no. 193/Estt-1 dated 24.07.2004 and grant of consequential benefits of past service rendered on adhoc basis before joining as regular.**

In reference to your letter no. HVS/Petition/777/2022-23/8440 dated 25.04.2022, it is intimated that in compliance of directions of the Secretary Haryana Vidhan Sabha Secretariat vide letter HVS/petitions/777/2021-22/24865 dated 22.09.2021, personal hearing has been granted to the petitioner by the Director General Technical Education and accordingly Speaking Order has been passed vide this office order no. 176 dated 13.05.2022. Copy of the Speaking Order is enclosed herewith for your kind information and necessary action please.

-Sd-

Deputy Director (Admin)  
for Director General, Technical Education  
Haryana, Panchkula

**HARYANA GOVERNMENT**  
**TECHNICAL EDUCATION DEPARTMENT**  
**SPEAKING ORDER**

**No. 176**

**Dated Chandigarh, the 13/05/2022**

Sh. Suresh Panwar filed a petition/representation before the Committee on Petitions of Haryana Vidhan Sabha. The reply in respect of the representation was filed by the department vide memo no. 11/13/2021-2TE dated 13.09.2021. The matter came up before the Committee on 07.09.2021. The proceedings of the meeting of the Committee was received from the Secretary Haryana Vidhan Sabha Secretariat vide letter no. HVS/petitions/777/2021-22/24865 dated 22.09.2021 whereby it was directed that the Director General Technical Education will give the personal hearing to the petitioner and decide his representations and the decision will be conveyed to the Committee on Petitions.

The personal hearing was granted to the petitioner on 29.03.2022 accordingly. The detailed facts of the case are as under-

1. That vide this office letter no. 146/Estt.-II/dated 30.11.1995, the department of Technical Education sent the requisition to Employment

Exchange for the engagement of 07 candidates (05 Gen, 01 SCA and 01 BCA) for the posts of Lecturer in Mechanical Engineering on adhoc basis alongwith other disciplines also.

2 Accordingly, vide letter dated 21.12.1995, the Employment Exchange recommended a list of 07 candidates (03 SCA, 03 BCA and 01 General) for adhoc appointment against the post of Lecturer in Mechanical Engineering and the name of Sh. Suresh Kumar was recommended against the BC category by the Employment Exchange.

3. That after conducting the interview by the selection committee, 04 candidates were selected for appointment against the post of Lecturer in Mechanical Engineering on adhoc basis including Sh. Suresh Kumar was appointed on adhoc basis on 06.01.1996 initially for a period of six month only and he will stand relieved as soon as recommendee of HPSC joins the post held by him, whichever is earlier. However, he was adjusted against the post of General Category.

4. That thereafter, the department also started the process of regular recruitment for the posts of Lecturer in various disciplines/Programmer through the Haryana Public Service Commission (HPSC) and accordingly, the requisition for these posts was sent to HPSC.

5. That in pursuant to above requisition, in the year 2003, the HPSC recommended candidates for regular appointment for the various posts of Lecturer in various disciplines/ Programmer vide letter No. RG 21/2002/13711 dated 14.10.2003.

6. That consequent upon selection of regular candidates for the various posts of Lecturer in various disciplines/Programmer including in the discipline of Mechanical Engineering through the HPSC recommended vide letter No. RG 21/2002/13711 dated 14.10.2003, the department issued regular appointment letters to the selected candidates against the vacant available posts at that time in the year, 2004 following the category wise distribution of posts. However, against some posts, the candidates already working on adhoc basis and they had filed various writ petitions before the Hon'ble Punjab and Haryana High Court, Chandigarh regarding their regularization of their services.

7. That these writ petitions were disposed off and dismissed by the Hon'ble High Court, Chandigarh vide decision dated 23.07.2004. Accordingly, in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of these adhoc employees including Sh. Suresh Kumar (about 63 Lecturers/ Programmers who were working on adhoc basis) were terminated by this department vide office order no. 193/Estt. I dated 24.07.2004 and the name of Sh. Suresh Kumar was mentioned at Sr. No. 21 in the said termination letter in the Mechanical Engineering discipline.

8. That accordingly, after termination of the services of above 63 adhoc/ contract employees, the department issued regular appointment letters to the remaining already selected candidates who were recommended by HPSC vide

above letter No. RG 21/2002/13711 dated 14.10.2003 against the posts occupied by these adhoc employees in the month of July, 2004.

9. That in the discipline of Mechanical Engineering, the HPSC has recommended 30 candidates (16 General, 04 SCA, 04 SCB, 03 BC, 01 ECM and 02 PH) and against the available vacant post, some candidates joined in January, 2004. However, against remaining posts some adhoc employee were working and in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of 24 adhoc employees in Mechanical discipline were terminated. But against the termination of 24 persons of adhoc employees, only 21 recommendee of HPSC joined on the post of Lecturer in Mechanical Engineering. 03 regular recommended candidates (General category-2 and physically handicapped category-1) did not join.

10. That it is also relevant to mention here that before termination of adhoc services of Sh. Suresh Kumar, earlier the name of Sh. Suresh Kumar was recommended by employment exchange against the category of BC for joining on adhoc basis but he was adjusted against General Category on adhoc basis due to non-availability of vacancy against BC category. During recruitment in 2004, all 03 candidates of BC category recommended by HPSC joined the services against the available 03 vacant posts of BC category and hence, no vacancy in BC category remained vacant.

11. That however, in the meantime, during the above consideration, in the year 2005-06, the department has again also started the process of regular recruitment for the remaining/ newly sanctioned posts of Lecturer in various disciplines/Programmer and sent new requisition for regular recruitment to the Haryana Staff Selection Commission (HSSC) and accordingly, against Advt. No. 01/2005, the HSSC recommended candidates for regular appointment for the these posts of Lecturer in various disciplines/ Programmers vide letter No. HSSC- Confd.- Lect. Tec/1180 dated 20.12.2006 and in the said recommendation list of HSSC, the name of Sh. Suresh Kumar was also recommended against the post of Lecturer in Mechanical Engineering.

12. That consequent upon above selection of regular candidates for the various posts of Lecturer in various disciplines/Programmer including in the discipline of Mechanical Engineering through the HSSC, Sh. Suresh Kumar was appointed as Lecturer in Mechanical Engineering on regular basis vide Govt. memo no. 51/31/2006-1TE dated 06.03.2007 and he joined this department on 06.03.2007,

13. That some Lecturers who were earlier working on adhoc/contract basis and their services were terminated vide office order no 193/Estt-I dated 24.07.2004, they have also been selected on basis in 2007 against the above recommendation of HSSC.

14. That there is a gap of approximately 02 years and 7 months between the period of termination of services and regular joining of Sh. Suresh Panwar.

15. That after regular joining. Sh. Suresh Panwar submitted many representations including other similar situated employees with the request for condonation of their gap period of termination of services and regular joining, for counting their benefits of past service rendered by them. The same were dealt by the department and sent to State Government for consideration. Lateron, the State Government vide their Memo No. 58/11/2007-ITE dated 28.11.2013, has advised to the department to take action as per provisions contained in Rule 4.4 (b) of Civil Service Rules (CSR) vol-1 and accordingly the pay of Sh. Suresh Kumar was re-fixed by giving the benefits of the past services towards increment only vide this office order no. 449/Admn-I dated 16.07.2014.

16. That during the consideration of similar situated persons (03 Lecturers), it was observed the benefit of past services rendered by these adhoc employees is not covered under the said Rule 4.4 (b) of Civil Service Rules (CSR) vol-1, as the gap period between adhoc services rendered by Sh. Suresh Kumar including remaining above 03 Lecturers and his subsequent regular appointment on regular basis on 06.03.2007, is more than 01 year and the benefit of adhoc services towards increment (protection of pay) is contrary to the provision contained in Rule 4.23 of CSR Vol-II which clearly states that the interruption should not be of more than one year's duration. Accordingly, the case of Sh. Suresh Panwar was re-examined by the department and the benefits of past services was withdrawn vide this office memo no. 6118-19 dated 12.12.2019 and the pay of Sh. Suresh Panwar was revised/ re-fixed vide office order no. 536 dated 23.12.2019 as per provisions in rules.

17. That aggrieved from the above withdrawal of benefits of past services and re-fixation of pay. Sh. Suresh Kumar filed a CWP No. 267 of 2020 titled Suresh Kumar Vs State of Haryana before the Hon'ble High Court, Chandigarh. The said Civil Writ Petition came for hearing on dated 28.01.2020 and the Hon'ble High Court stayed the operation of above withdrawal order dated 12.12.2019 and re- fixation of pay order dated 23.12.2019. The operative part of the said order is reproduced as under-

*"In the meantime, operation of the impugned orders dated 12.12.2019 & 23.12.2019 (Annexure P-5 & P-6) shall remain stayed."*

The department has filed the reply in the said case.

18. That the petitioner submitted in his representation that services of Sh. Rajesh Jindal, Lecturer in English were terminated on 11.11.2002 due to reduction of sanctioned posts on rationalization. He was retained and appointed as such vide order dated 20.11.2003. In this regard it is submitted that the case of Sh. Suresh Panwar is not squarely covered with this case.

After going through all the facts of the case, documents produced by the applicant at the time of the hearing. I am of the view that due to selection of regular candidates through HPSC in compliance of decision dated 23.07.2004 of the Hon'ble High Court, the services of Sh. Suresh Kumar including similar



63 Lecturers/ Programmers adhoc employees (who were working on adhoc basis) were rightly terminated by this department vide office order no. 193/Estt. I dated 24.07.2004 keeping in view of the procedure laid down by the Hon'ble Punjab and Haryana High Court Vide order dated 22.07.1998 issued in CWP No. 18237 of 1997 and his adhoc services rendered by him from 26.07.2004 to 06.03.2007 prior to regular joining w.e.f. 06.03.2007, will not be considered for consequential benefits. However, Sh. Suresh Panwar also filed CWP No. 267 of 2020 before the Hon'ble High Court, Chandigarh with the prayer for quashing the withdrawal order dated 12.12.2019 and re-fixation of pay order dated 23.12.2019 and for granting of all consequential benefits of past services rendered by him, which is pending for adjudication in the Hon'ble Court.

Hence, the representation of the petitioner is filed as the matter sub-judice in Hon'ble Court.

I therefore order accordingly.

Sd  
Rajiv Rattan, IAS  
Director General, Technical  
Education, Haryana (Panchkula)

The Committee satisfied with the reply of concerned department and the matter is sub-judice also. The petition/representation is disposed off accordingly in its meeting held on 31.05.2022.

**10. PETITION/REPRESENTATION RECEIVED FROM SH. SUBHASH CHAND S/O SH. LILU RAM VILLAGE MURTZAPUR, DISTRICT KURUKSHETRA, REGARDING PETITION AGAINST PEHOWA BIJLI BOARD, WHICH READS AS UNDER: -**

सेवा में,

सभापति महोदय,  
याचिका समिति,  
हरियाणा विधान सभा, चण्डीगढ़।

**विषय:- पेहोवा बिजली बोर्ड के खिलाफ याचिका।**

आदरणीय महोदय,

निवेदन है कि मैं सुभाष चन्द, पुत्र श्री लीलू राम ग्राम मुर्तजापुर, जिला कुरुक्षेत्र (136/128) का निवासी हूँ और उपर्युक्त विषय के सन्दर्भ में आपके समक्ष निम्नलिखित अग्रिम याचिका दायर करना चाहता हूँ।

1. माननीय सिविल न्यायाधीश श्री अमितेन्द्र सिंह (जूनियर डिविजन) पेहोवा के दिनांक 30.05.2020 के आदेशानुसार मैंने पेहोवा बिजली बोर्ड को प्रस्तावित/विचाराधीन हाई पावर बिजली तार को ले जाने हेतु वैकल्पिक रुट/रास्ता मुहैया करा दिया है और इसकी सूचना बिजली बोर्ड को दे दी है।

2. इस सन्दर्भ में माननीय न्यायालय के आदेशानुसार मैं 11000 रुपये (ग्यारह हजार रुपये मात्र) व्यय वृद्धि के रूप में पहले ही जमा करा चुका हूं। इसकी सूचना मैंने बिजली बोर्ड को दे दी है।
3. इसके बावजूद आज करीब 20 दिनों के बाद भी पेहोवा बिजली बोर्ड ने मेरे द्वारा मुहैया कराए गए रास्ते से बिजली तार ले जाने हेतु कोई ध्यान नहीं दिया है और मुझे डर है कि दवाब/मिलीभगत से माननीय न्यायालय के आदेश की अवमानना करते हुए अवैध तरीके से मेरे खेतों के बीच से ही कहीं बिजली तार न ले जाया जाए। इस कारण मैं काफी मानसिक परेशानी में हूं और तनावग्रस्त जीवन जी रहा हूं।

अतः श्रीमान से निवेदन है कि इस सन्दर्भ में मेरी उपर्युक्त बातों को संज्ञान में लिया जाए और नियमानुसार आवश्यक कार्रवाई हेतु संबंधित प्राधिकारी को दिशा निर्देश देने की कृपा करे।

सादर।

आपका विश्वासी,

हस्ता

सुभाष पुत्र श्री लीलू राम, ग्राम मूर्तजापुरा,  
ब्लॉक पेहोवा, जिला कुरुक्षेत्र 136/128

The Petition/Representation was placed before the Committee in its meeting held on 21.07.2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee received reply from the concerned department, which reads as under: -

The Committee held oral examination on dated 04.08.2020 but the Departmental representatives informed(Telephonically) they can not attend the meeting on the Committee due to some urgency. The Committee again orally examined the departmental representatives and petitioner/applicant in its meeting held on 18.08.2020, department assured that the matter has been resolved shortly & submit the compliance report to the Committee. The reply received from the concerned Department which reads as under:-

**Before Hon'ble Committee on Petitions of Haryana Vidhan Sabha**

**Secretariat, Chandigarh**

Chairman-cum-Managing Director, Uttar Haryana Bijli Vitran Nigam,  
Panchkula.

VERSUS

Petition: Sh. Subhash Chand S/o Sh. Lilu Ram, Village Murtzapur,  
Distt. Kurukshetra.

**Petition against Sub Urban Sub Division UHBVN, Pehowa-703**

Sh. Lakhwinder Singh S/o Sh. Prita Ram resident of Village Murtzapur on dated 11.09.2019 had applied for shifting the 11 KV line passing over his house, at his own expenses. For this shifting the necessary proposal/sketch

had been prepared and got approved by the competent authority of the Nigam on dated 18.10.2019. After that Estt. No PDHC-340/19-20 dated 06.12.2019 for Rs. 88447/- was got sanctioned and the same was deposited by the applicant on dated 24.03.2020. The officials of the Nigam visited the site on dated 15.05.2020 to execute the work as per estimate but Sh. Subhash Chand and others stopped the UHBVN officials not to execute the work because the new line which is to be erected will pass in the middle of his field as shown in the sketch attached as Annexure-III. After that Sh. Subhash Chand had filed a court case before Hon'ble Civil Court Pehowa vide CS/120/2020 on dated 19.05.2020 to stop the Nigam's officials not to execute the work. **The Hon'ble Civil Judge Sh. Amitendra Singh has passed an Interim order dated 30.05.2020 that Sh. Subhash Chand has to provide his land as per his convenience to install the electric poles and to bear the additional expenses for this amendment and further directed that "defendant UHBVN shall complete the work as proposed by them in their written statement within a period of two weeks and the compliance report be filed on record".** Accordingly a revised estimate was framed and sanctioned vide Estt. No: 21433/KKR- 0038/2020-21 amounting to Rs. 99950/- and difference of Rs. 10803/- was got deposited by Sh. Subhash Chand on dated 15.06.2020 to execute the work as per the revised sketch.

The Nigam officials again tried to execute the work as per revised route and estimate but another nearby residents namely Sh. Darshan Singh S/o Sh. Karnail Singh, Sh. Amir Singh S/o Sh. Darshan Singh & Sh. Ramesh Chand Sh. Ami Lal created hindrance and stopped the work by saying that the new line will be dangerous for them as the same is passing along the passage of their house and near the existing gas godown but in actual the proposed line will about 15 feet away from their houses. Due to work stopped by above said persons, SDO (OP) S/U S/Divn. Pehowa has made a complaint to local Police Station Pehowa on dated 07.07.2020 and requested SHO Pehowa to provide Police help to execute the work. Accordingly, SHO Police Station Pehowa has provided police help on dated 11.07 2020 but again this time above villagers created hindrance to stop the work and FIR No. 380 dated 12.07.2020 was lodged against above six nos. person of village Murtzapur. SDO S/U Pehowa tried his best to resolve this issue through deputing of the Duty Megistrate i.e. BDPO Pehowa assigned by the SDM Pehowa but cannot get success due to subjudice matter pending in court. The case is still pending on evidence stage.

Sd  
Executive Engineer,  
(OP) Circle, UHBVN,  
Pehowa.

Sd  
Superintending Engineer,  
(OP) Division, UHBVN,  
Kurukshetra

After discussion, the Committee has decided that the matter is sub-judice, the petition is disposed off in its meeting held on 19.06.2022.

**11. PETITION/REPRESENTATION RECEIVED FROM SHRI DHIRAJ S/O SH. BALBIR SINGH, VILLAGE LATH, TEHSIL GOHANA, DISTRICT. SONEPAT REGARDING NOT REGISTERED FIR BY THE SUPERINTENDENT OF POLICE SONEPAT, WHICH READS AS UNDER: -**

सेवा में,

माननीय अध्यक्ष महोदय,  
याचिका समिति, हरियाणा विधानसभा,  
चंडीगढ़।

**विषय—** दरखास्त बराये पुलिस अधीक्षक, सोनीपत द्वारा मुकदमा दर्ज ना करने बारे विरुद्ध— कर्मजीत SHO थाना सदर गोहाना व ASI सन्तोष व एक अन्य कांस्टेबल जो सामने आने पर पहचान सकता हूँ तथा मनोज कुमारी, निवासी डी0-79 सैक्टर-34 सनसीटी रोहतक, हरियाणा।

श्रीमान जी,

प्रार्थी निम्नलिखित प्रार्थना करता है :-

1. यह कि प्रार्थी गाम लाठ, तह० गोहाना, जिला सोनीपत का मूल निवासी है तथा एक इज्जतमंद परिवार से है तथा हाल तीन साल से आउटर बाई पास रोहतक, मकड़ौलीखुर्द, रोहतक रहता है।
2. यह कि प्रार्थी शादीशुदा है तथा इसके 2 बच्चे भी है तथा पिता जी की मृत्यु के उपरान्त सारी जमीन जायदाद मन प्रार्थी के नाम आ गई तथा एक्सपायर होने की सूरत में कुछ पैसा मन प्रार्थी के खाते में भी जमीन एक्वायर होने के कारण आ गया।
3. यह कि प्रार्थी पिछले लगभग 3 साल से रोहतक में रिहाइश रखे हुए है तथा इस दौरान मनोज कुमारी दोषीया मन प्रार्थी के सम्पर्क में आई और मुझे अपने जाल में फंसा लिया जिस कारण मेरे बच्चों ने मेरा साथ छोड़ दिया और यह मेरे साथ लीव एन रिलेशनशिप में रहने लगी तथा समय-समय पर मेरे से कपड़े जेवरात व गहने एठने लगी।
4. यह कि हाल ही में मनोज कुमारी के पति की मौत हो गई जिस से उसने पहले ही तलाक ले रखा था जिस पर वह अपने ससुराल तलाक के बावजूद जाना चाहती थी जिसे मेरे मना करने के बाद वह वहां गई और उस समय से हमारे सम्बन्धों में दरार दिखाई देने लगी और मनोज कुमारी ने मेरे से मु० 6 लाख अप्रैल 2019 में भी अपने खाते में डलवाए तथा मु० 6,50,000/- रुपये अप्रैल/मई 2021 में भी मनोज कुमारी ने मेरे से अपने खाते के माध्यम से एठ लिए तथा मेरे से लगभग मु० 5 लाख रुपये के गहने भी खरीद करवा लिए।
5. यह कि मनोज कुमारी जूनियर लेक्चरर मुढाल बाडांहेडी जिला भिवानी /हिसार में कार्यरत है तथा कर्मजीत SHO सदर गोहाना भी मुढाल का है तथा हाल ही में मनोज कुमारी ने कर्मजीत SHO के साथ काफी नजदीकियां बना ली।
6. यह कि दिनांक-26-7-2021 को मनोज कुमारी गोहाना में थी और कर्मजीत ने मुझे सबक सिखाने व मुझे नाजायज नुकसान पहुंचाने के लिए मनोज कुमारी से मेरे विरुद्ध पिछले कई वर्षों से रेप करने की दरखास्त पर साइन करवाए तथा 2:33 PM पर मुझे अपने मो० नं० 9485600333 से मेरे मो० नं० 9728533222 पर मुझे तुरन्त थाना सदर गोहाना में आने के लिए कहा उस समय में मनोज कुमारी से जो कोर्ट के आस-पास मिली थी बात कर रहा था जिसने ही SHO को फोन करके मेरे बारे में बताया और तुरन्त ही SHO का मेरे पास फोन आ गया जिस पर मुझे जल्द आने के लिए कहा।

7. यह कि 2:59 PM पर मो० नं० 9896026700 से मुझे ASI सन्तोष सदर थाना गोहाना की तरफ से मेरे उक्त फोन पर काल आई और तुरन्त थाना में आने के लिए कहा।
  8. यह कि अपने जरूरी कामों से फारिग होकर शाम 5 बजे के आस-पास मन प्रार्थी अपने 2 दोस्तों सूरज मोर व जयभगवान जसीया के साथ थाना में ASI सन्तोष से उस के IO वाले कमरे में जहाँ उसने आने के लिए कहा था मिला जहां पर मनोज कुमारी भी हाजिर थी। तब सन्तोष ASI ने कहा कि आप के विरुद्ध मनोज कुमारी ने रेप की शिकायत की है तथा इसके गहने भी आप ने अपने घर में जबरदस्ती रखे हुए हैं तथा मुझे धमकाया कि या तो मनोज कुमारी के गहने तुरन्त वापिस कर दो। वरना 10 साल के लिए जेल में जाने के लिए तैयार हो जाओ इसी समय कर्मजीत SHO भी वहां आ गया और मुझे कहा या तो मनोज कुमारी की सारी बातें मान लो वरना 10 साल की जेल करवाउंगा तथा और भी अपमानित शब्दों से मुझे अपनी भाषा से डराया धमकाया।
  9. यह कि जैसे ही मैं ASI सन्तोष के कमरे में गया तो बाहर बरामदा में सूरजमोर व जयभगवान खड़े थे। उनसे कर्मजीत SHO ने पूछा कि आप क्यों खड़े हो। जिस पर सूरजमोर ने कहा भाई साहब धीरज के साथ आए थे उसी समय कर्मजीत आग बबूला हो गया और सूरजमोर की काफी पिटाई कर दी तथा कई अन्य 10-12 पुलिस कर्मचारी भी वहां आ गए जो एक कमरे में सूरजमोर को ले गए और उसकी छितर प्रेरड की तथा फिर बाहर लाकर भी काफी पिटाई की जिस से मैं काफी डर व सहम गया। उसी समय कर्मजीत दोषी ने मुझे कहा कि या तो अभी सारे गहने मनोज कुमारी के हवाले कर दे वरना तुझे अभी जेल में डालूंगा तथा जबरदस्ती मेरे साथ एक हैड कांस्टेबल को भेज गहने सोना, एक चैन व 2 अंगूठी 2 सोने के कर्गन व एक गले का हार व मनोज कुमारी के कपड़े घर से मंगा लिए और और मनोज कुमारी के हवाले रसीद लेकर कर दे दिए जबकि यह सब गहने मेरे द्वारा खरीद किए गए हैं सभी बिल भी मेरे द्वारा पेय किए गए हैं। जो मेरे थे।
  10. यह कि इस तरह से कर्मजीत दोषी ने कानून को हाथ में लेकर मनोज कुमारी के साथ अपने सम्बन्धों की बदौलत मुझे रेप केस में फंसाने व जेल भेजने के डर से मेरे उक्त गहने पुलिस पद का नाजायज इस्तेमाल कर के संतोष ASI व एक हैड कांस्टेबल जिस को मैं सामने आने पर पहचान सकता हूँ कि मदद से मेरा लगभग मु० 7 लाख रुपये के गहने का मुझे नुकसान पहुंचाया व मनोज कुमारी को लाभ दिया है जबकि मैं व मनोज कभी गोहाना सदर थाना क्षेत्र में कभी नहीं रहे। ना ही मनोज का गोहाना से कभी कोई वास्ता रहा मनोज सरसीटी रोहतक में रहती है इसका ससुराल गांव मदीना, रोहतक तथा मायका खानपुर हांसी है।
  11. यह कि इस विषय में मैंने एक प्रेस कान्फ्रेंस के माध्यम से व पुलिस अधीक्षक सोनीपत को एक लिखित दरखास्त के माध्यम से दिनांक 27-7-2021 को कर्मजीत दोषी के विरुद्ध कार्यवाही के लिए प्रार्थना पत्र दिया। पुलिस अधीक्षक सोनीपत ने ASP गोहाना को SHO इत्यादि के विरुद्ध कार्यवाही के लिए फोन पर सूचित किया परन्तु ASP गोहाना ने आज तक कोई कार्यवाही ना की है।
  12. पुलिस अधीक्षक सोनीपत ने SHO कर्मजीत पर कार्यवाही करने की बजाए उसको थाना सदर गोहाना SHO से हटा कर जहां शहर पुलिस थाना गोहाना जिसके क्षेत्र में यह अपराध हुआ व जहां जांच होनी थी, उसी थाने का SHO नियुक्त कर दिया। अतः यह दरखास्त बराये आवश्यक कार्यवाही दी जा रही है।
  13. इस बारे में मैंने गृह मंत्री हरियाणा सरकार अनिल विज जिस से दरखास्त दी थी सारी बात सूनने के बाद उन्होंने जांच रोहतक पुलिस अधीक्षक को भेजी थी जिसमें DSP मुख्यालय, गोरख पाल राणा जी ने, 4 से 5 बार अलग-अलग बार बुला कर मेरे व सूरज मोर के ब्यान दर्ज किए तथा SHO कर्मजीत व मनोज कुमारी के भी ब्यान दर्ज किए परंतु उसके बावजूद भी कोई कार्यवाई नहीं हुई है।
- अतः प्रार्थना है कि इस विषय में पुलिस अधीक्षक सोनीपत, द्वारा दोषी के खिलाफ कार्यवाही न करने बारे व दोषियों का बचाव करने बारे व कर्मजीत SHO, थाना सदर गोहाना, व मनोज कुमारी व ASI

सन्तोष व हैड कान्सटेबल जिसे सामने आने पर पहचान सकता हूँ के विरुद्ध कानून के विरुद्ध कार्यवाही करने व मेरे गहने जबरदस्ती मनोज कुमारी को दिए जाने बारे FIR दर्ज की जावे तथा इन्हें SHO कर्मजीत व ASI सन्तोष व हैडकास्टेबल व मनोज कुमारी को मुनासिब सजा दिलवाई जाए।

धन्यवाद सहित।

प्रार्थी  
हस्ता  
धीरज पुत्र बलबीर सिंह,  
निवासी ग्राम लाठ हाल  
निवासी रोहतक, जिला रोहतक, हरियाणा।

The Petition/Representation was placed before the Committee in its meeting held on 21.09.2021 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee orally examined the departmental representatives & petitioner/applicant in its meeting held on 12.10.2021. After discussed the matter, the Committee observed that the matter sent to the State Police Complaints Authority for inquiry & submit the inquiry report to the Committee within two months. The Committee received inquiry report from the concerned department, which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha, Chandigarh.

No.1032/SPCA

dated 18.04.2022

**Subject:- Complaint no- 105/SPT/SPCA/2021 dated 20-9-2021 made by Shri Suraj Mor s/o Shri Suraj Bhan Mor R/o Surya Garden Marak, Gohana (Sonapat).**

The complaint of Shri Suraj Mor s/o Shri Suraj Bhan Mor was got inquired through Superintendent of Police, Sonipat. Later on the case was personally heard by the Authority by summoning both the parties.

In view of the facts and circumstances brought on the file by both the parties, the Authority has come to the conclusion that there was violation of basic Principles of liberty, justice, fairness and breach of all laid down procedures. Inspector Karamjit Singh then SHO Gohana abused his powers used physical force to commit excesses and beat Suraj Mor who had no FIR or DDR pending against him and was only a visitor in the Police Station. The charge of drunkenness on part of Suraj Mor does not stand proven. But even if he felt that Suraj Mor was under the influence of liquor it does not give right to

Police to use force or to beat him or to detain him. Moreover, as an SHO he has to take responsibility for all the happenings alongwith others.

Therefore, the Authority recommends suspension and strict departmental action against Inspector Karamjit Singh, SHO, the then PS Sadar Gohana for using unwarranted use of force and misuse of his powers. Any other action which the Government deems fit and proper in the circumstances of the case, may also be taken

The detailed orders passed by the Authority dated 7-3-2022 are enclosed herewith.

**BEFORE THE STATE POLICE COMPLAINT AUTHORITY,  
HARYANA AT CHANDIGARH**

Complaint No- 105 of 2021

Date of Decision 07-03-2022

Suraj Mor ..... Complainant

Versus

Karamjit Singh ..... Respondents

CORAM:

Mrs. NAVRAJ SANDHU, CHAIRPERSON

Sh. K.K. MISHRA, MEMBER

Sh. R.C. VERMA, MEMBER

Present: 1. Suraj Mor along with his wife Mrs. Meenakshi.  
2. Sh. Karamjit Singh, SHO Gohana with counsel  
Sh. Ankit Bishnoi, Advocate

**ORDER**

1. Complainant Sh Suraj Mor filed the instant complaint dated 20.09.2021. As per allegations. Sh. Suraj Mor complainant and Jai Bhagwan accompanied Dheeraj to Sadar Police Station on 26.7.2021 as Dheeraj was called by police officers of Police Station Sadar Gohana regarding a complaint filed by Smt Manoj Kumari L/ASI Smt Santosh took Dheeraj in her room and he & Jai Bhagwan were standing in the verandah of the police station. According to the complainant, Inspector Karamjit Singh approached them and asked them the reason for standing there and when complainant replied addressing Inspector SHO as Bhai Sahib, Inspector Karamjit Singh started beating him saying as to how you dared to address me "Bhai Sahib". On hearing noise other police personnel came and the Inspector ordered them to beat him. They took him in

a room and he was beaten mercilessly. Due to the beating, there were several injury marks on the body of the complainant and one of his teeth was also broken. After that he was taken to Civil Hospital by 5 police officials for general and alcohol medical. After medical examination from the Civil Hospital, Gohana. He was again taken to police station where brother of the complainant and his other friends also reached and he was handed over to his brother and friends late night. He along with his brother went to the Civil Hospital, Gohana for medical treatment and for getting a MLR. MLR was done and he was also referred to Medical College, Khanpur for further treatment. He alone reached Medical College, Khanpur where 4 police officials were present in a Santro car without number and threatened him. Accordingly, he decided to approach PGIMS, Rohtak, where he was admitted on 27.7.2021 and was discharged on 28.7.2021. He submitted written complaint against SHO and Manoj Kumari to SP, Sonapat and ASP, Gohana but no action was taken against them. Complainant has annexed copy of MLR recorded by doctor of Civil Hospital, Gohana at 11:05 P.M. dated 26.7.2021 and Copy of treatment at PGIMS, Rohtak

**Allegations made by the Complainant are;**

- i) He was illegally detained on 26.07.2021 by Sh. Karamjit Singh SHO and others at PS Sadar Gohana.
- ii) He was beaten up mercilessly. He had committed no offence but accompanied a friend of his who was called by the SHO.
- iii) After beating him they took him to the local Hospital for medical for intoxication, though he had not taken any alcohol.
- iv) Due to merciless beating, there were several injury marks on the body his and one of his teeth was also broken.
- v) He has approached this Authority for lodging an FIR against SHO and other.

After hearing the complainant on 25.10.2021, this Authority directed to Inspector Karamjeet Singh SHO, Police Station Sadar Gohana to be present along with relevant record on the next date of hearing i.e. 27.11.2021.

2. As per the MLR of Government Hospital, Gohana, which was reported in presence of brother and one another friend of the complainant doctor has recorded six injuries which are described in the statement of Dr Harish Garg, Medical Officer, Civil Hospital, Gohana, Discharge card of PGIMS, Rohtak shows that the complainant was admitted and discharged on same day i.e. 28.07.2021, whereas complainant has submitted in the complaint that he was admitted on 27.07.2021. On the discharge card dated 28.07.2021, doctor has recorded **"not for medico legal purpose only for treatment purpose"**.

3. The complaint was got enquired from SP Sonipat, who submitted his report vide memo no 35670/1P dated 24.09.2021. As per report of SP Sonapat, opinion in MLR HKI/2021/94 Dated 26.07.2021, was taken from the doctor who reported that possibility of sustaining injury 1 to 5 due to fall from height cannot be ruled out and no injury was found of the body of the



complainant Suraj. Eye witness Raj Kumar has stated that he was present in the Sadar Police Station on 26.07.2021, he noticed that a person was speaking in loud voice and he was under intoxication. He abused police officials and was threatening to get them suspended from the service. He was speaking his name as Suraj Mor, No beatings were given to the complainant. The time when the complainant submitted his report Inspector Karamjeet Singh, was at village Saragthal and the complainant could not submit any proof regarding Santro car used by police officials who threatened the complainant. Medical of the complainant was got conducted from civil hospital by ASI Jagbir Singh, regarding consumption of alcohol and general condition. Doctor has reported at 6:52 P.M. in medical report for alcohol "smell of alcohol coming from mouth and breathe-sample of blood taken for alcohol examination and handed over to police". Doctor has reported at 6:55 P.M. in the medical examination as "no fresh mark of injury seen". Complainant mis-behaved with SPO Rajbir at the gate of police station Sadar Gohana. Complainant tendered his written apology to ASI, Jagbir Singh and accordingly he was handed over to his brother Ravinder Mor ASI, Jagbir Singh has been issued with a show cause notice for not recording this incident in DDR. The allegations could not be proved. Inspector Karamjit Singh produced L/ASI Santosh Kumari, ASI Jagbir Singh, Sh. Ajay and Sh. Raj Kumar in his evidence.

4. The complainant was heard who reiterated his version of the complaint. He produced Sh. Dheeraj and Sh. Jai Bhagwan as his witnesses. Statement of Shri Dheeraj was recorded, who supported the version of complaint of Sh Suraj Mor and stated that he was called by SHO at about 02:30 P.M. on the complaint of Smt. Manoj Kumari (live in partner). At about 03:00 P.M. he received a phone of L/ASI Smt. Santosh to report to police station. He along with Jai Bhagwan and Suraj Mor reached police station Sadar Gohana at 06:00 P.M. L/ASI Santosh asked him to sit in her room where Smt. Manoj Kumari was already present. Suraj Mor and Jai Bhagwan were standing outside the verandah. When Suraj Mor addressed SHO as "Bhai Sahib", SHO started beating Suraj. Some other police officials came and took Suraj Mor in a room and beat him. After sometime they took Suraj in the open lawn and gave beatings by sticks. L/ASI Santosh asked him to comply with demands of Smt. Manoj Kumari or he will be put behind bar for 10 years. She asked to hand over all jewellery and scooty to Smt. Manoj Kumari, HC Sandeep Hooda accompanied him and jewellery & scooty was handed over to Smt. Manoj Kumari. He requested action against SHO Karamjit Singh for giving beatings to Suraj Mor.

5. Statement of Jai Bhagwan was also recorded, who corroborated the version of the complainant and supported the statement as was made by Sh. Dheeraj that Suraj Mor was given merciless beatings by the SHO, without any fault of his.

6. Inspector Karamjit Singh recorded his statement before the Authority on 29.11.2021 and also placed on record complaint dated 26.7.2021 of Manoj

Kumari, statement dated 26.7.2021 of Dheeraj, statement dated 26.7.2021 of Ajay s/o Ranbir, statement dated 26.7.2021 of Raj Kumar s/o Ram Dhan, copy of FIR No 264 dated 26.7.2021. Inspector Karamjit Singh stated that complainant (Smt. Manoj Kumari) met him at the gate of police station- He asked her to submit a written complaint. It was reported by her that Dheeraj s/o Balbir R/o Village Lath has done a wrong act with her and also threatened her not to report to anyone. The SHO asked her to submit a written complaint to L/ASI, Santosh Kumari. After that he got busy in official work. In the evening, the written complaint of Smt. Manoj Kumari was given to L/ASI, Santosh Kumari, in front of him and he marked to L/ASI, Santosh for action as per rules. As per his statement after sometime SHO, Karamjit Singh heard noise from the gate and he saw that one person was arguing with the SPO, Rajbir in loud voice and he was unable to stand SPO, Rajbir told that he is Suraj Mor and he (Suraj Mor) has manhandled him (SPO) and threatened him that he will get the SPO suspended. ASI Jagbir, HC Pawan, HC Jasbir also reached there. Some people from the public were also present there. He ordered SPO on duty to get the medical of Suraj Mor done and to take action as per law. After sometime he got information of an occurrence of murder at Village Sargthal and he proceeded for the spot of incident and returned back to the police station late in the night. L/ASI Santosh intimated him on next date i.e. 27.07.21 that there was dispute between Manoj Kumari and Dheeraj over cash and jewellery, which was settled by the two themselves. Therefore, it was not entered in DDR and Manoj Kumari had withdrawn her complaint.

ASI Jagbir intimated that as per the medical report of Suraj Mor, doctor of Government hospital, Gohana has reported, "smell of alcohol coming from mouth and breath-sample of blood taken for alcohol examination and handed over to police". "No fresh mark of injury seen". ASI Jagbir also told that after they returned from the medical examination, Ravinder Mor, brother of the complainant and one another person were also present in the police station. Suraj Mor tendered apology and he was then handed over to his brother Ravinder Mor because Suraj Mor was under influence of liquor.

7. He has admitted that he is from Village Mundhal and Manoj Kumari is from Village Bandaheri, which comes under Distt. Bhiwani & Hisar respectively. He had no connection/relation with Manoj Kumari nor did he know about the complainant before the alleged incident- He requested that doctor of Government Hospital, SPO Rajbir, Raj Kumar S/o Ram Dhan, Manoj Kumari and her brother Pawan may be called as witnesses. He also stated that Dheeraj has filed a complaint (Istghasha) titled as Dheeraj v/s Karamjit before the court of Shri Sachin Yadav, SDJM, Gohana wherein the allegations levelled by the complainant Suraj Mor in the instant complaint are also under consideration. He had joined enquiry conducted by Smt. Nikita Khattar, IPS, ASP, Gohana and Shri Gorakhpal Rana, HPS, DSP, Hqrs. Rohtak in two different inquiries. Both the inquiries have been filed being devoid of merits.

8. In his statement he denied that he had beaten Suraj Mor, and also that he forcibly got jewellery etc. handed over from Dheeraj to Manoj Kumari. All action has been taken as per rules. He also named the persons present on the spot.

9. Inspector Karamjit Singh submitted an application received in this Authority on 21.02.2022 praying for stay of proceedings in this complaint before this Authority. It has been stated that the allegations are not covered under section 65 of Police Act 2007 and complaint is not maintainable. It was further submitted that complainant witness of present matter i.e. Dheeraj has filed a criminal complaint u/s 156(3) of Cr. PC before Judicial Magistrate, Gohana titled as Dheeraj V/s Karamjit and cognizance has been taken by the court. Therefore, the bar created under the proviso to Section 65(1) of Haryana Police Act, 2007 comes into place which states that no anonymous, synonymous, pseudonymous complaints shall be entertained. He has referred a judgment passed by the Hon'ble Punjab & Haryana High Court in CWP No 12601 of 2015 titled as Ranjit Singh Bhatt v/s Union of India.

10. Inspector Karamjit Singh has placed on record copy of report of SP, Rohtak and copy of Istghasha Case No. 16/2021 titled as Dheeraj V/s Karamjit Singh pending in the court of Sachin Yadav, ACJ(SD)-cum-SDJM, Gohana u/s 420, 120B, 500, 342, 389, 166, 506, 200, 211, 118 IPC. He has submitted that inquiry on , the same matter has already been conducted by SP, Rohtak dated 20.09.2021 as well as SP, Sonapat dated 24.09.2021 and matter has been filed. He has further submitted that the complainant namely Shri Dheeraj has filed Ishtgasha in the court of SDJM, Gohana and matter of the instant complaint is also part of the Ishtgasha. The only difference is name of the complainant before the court of SDJM, Gohana Suraj Mor is the complainant before this Authority and Dheeraj is witness whereas Dheeraj is complainant and Suraj Mor is witness in the above said Ishtgasha. He has requested that complaint before the Authority be filed in view of the pending Ishtgasha before the court of SDJM, Gohana.

11. L/ASI Santosh Kumari recorded her statement before the Authority on 29.11.2021. She stated that she is posted as investigating officer at Police Station Sadar, Gohana. Smt. Manoj Kumari, alongwith her brother reached the Police Station on 26.07.2021 and orally reported that Dheeraj resident of Village Lath has made physical relationship by force and has grabbed her cash and jewelry. On asking she submitted a written complaint against Dheeraj at about 5.30/6.00 pm. She presented a complaint before Inspector Karamjeet Singh who directed her to act as per law. In the meantime, Dheeraj reached police station. Dheeraj and Manoj Kumari discussed the matter regarding cash and jewellery and they reached a compromise in writing. Hence, no FIR was lodged that day. She told the whole incident to SHO next day i.e. 27.07.2021. She had no connection with Manoj Kumari, before that day. She had done her duty with honesty and fairly. She has not called Suraj to police station. She heard a noise from gate and came to know that Suraj Mor was arguing with

police official on gate duty. She has also got recorded her statement before ASP Gohana, and DSP Headquarter Rohtak. She has already been punished by the then SP Sonipat. Dheeraj has filed a case before the court of Gohana and she had been impleaded as a party.

12. ASI, Jagbir Singh recorded his statement before the authority on 21.11.2021 and has stated that he was on SDO duty at PS Sadar Gohana, on 26.07.2021. He heard noise from gate around 5.00/5.30 pm and saw that Suraj was arguing in loud voice with SPO Rajbir no. 308. He was unable to stand properly. At that time, Inspector Karamjeet Singh, HC Pawan and HC Jasbir Singh and other private persons were present. SPO Rajbir told that Suraj Mor was threatening him. Inspector Karamjeet Singh, asked him to get medical examination of Suraj Mor conducted. He got the medical examination of Suraj Mor conducted at Govt. Hospital. In the medical doctor at 6:52 pm reported "Smell of alcohol coming from mouth and breath Sample of blood taken for alcohol examination and handed over to police". In the MLR medical doctor at 6.55 pm reported "No fresh mark of injury seen". After that they returned to police station where Devender Mor, brother of Suraj Mor was already present. On tendering written apology by Suraj Mor, he was handed over to his brother because he had taken a lot of liquor. No kind of beating was given to Suraj Mor in the police station and no injury mark was there He has also got recorded his statement before ASP Gohana and DSP Headquarter Rohtak. He has already been punished by the then SP Sonipat. Dheeraj has filed a case before the court of Gohana and he had been implead as party.

13. Sh. Ajay s/o Sh. Ranbir Singh R/o village Ishapur Kheri PS Baroda recorded his statement before the authority on 29.11.2021. He stated that he is employed in Bijli Board Pillukhera and was present at police station Sadar Gohana alongwith Sh. Joginder Malik on 26.07.2021. He was standing outside the thana and saw three persons reaching police station in a vehicle. He noticed that driver of the vehicle was unable to walk. Two persons went inside the police station and driver without parking the vehicle at proper place, was going inside the police station and argued with the police officials on duty at the gate of police station. He noticed that he was drunk and smell of alcohol was coming from his mouth. He was threatening the police officials that he will got them suspended. Some police officials and public persons reached there. Police officials were talking to get medical examination done and after some time they took Suraj Mor for medical. No police official gave beatings to Suraj Mor. Next day he read the news regarding beating given to Suraj Mor in the news paper. He gave his statement before police officers accordingly.

14. Sh. Raj Kumar s/o Sh. Ramdhan R/o Village Lath recorded his statement before the authority on 29.11.2021. He has stated that he is a kabaddi player and was present in the Police Station Sadar Gohana on 26.07.2021 in connection with theft at the Govt. School of his village. When he was sitting in the varandha one person was arguing in loud voice with the police official on duty at main gate. He was threatening police official that he

will get himself suspended. In the meantime some police official and public person reached at the main gate. Police officials were talking regarding medical examination of Suraj Mor after some time they took Surja Mor for medical examination in police vehicle. Suraj Mor was arguing in loud voice with police official under the influence of liquor. No kind of beating was given by any police official to Suraj Mor. Next day he read a news article in the newspaper that beatings were given to Suraj Mor. He has recorded his statement before police officials to tell the truth. Suraj Mor and Dheeraj approached him and requested to change the statement but he refused.

15. Dr. Harish Garg medical officer Govt. Hospital, Gohana recorded his statement before the authority on 02.02.2022. He has stated that on 26.07.2021 he was on night duty at Sub Division Hospital, Gohana as Casualty Medical Officer and on the same date i.e. 26.07.2021 ASI Jagbir Singh from PS Sadar Gohana brought Suraj Mor S/o Surajbhan Mor for medical examinations at about 6:52 P.M. During the course of examination, he noticed smell of alcohol coming from mouth and breath of Suraj Mor. Sample of blood was taken and handed over to police. He also stated that at about 6:55 PM, there was no external mark of injury on the body of Suraj Mor and all the findings were accordingly recorded by him on the same day i.e. July 26, 2021. Suraj Mor came along with Navneet and Balbir for self medical examination at about 11:05 PM. with alleged history of assault and he found following observations/injuries on his body:-

- i) Complain of pain upper right jaw.
- ii) Diffuse pain over bilateral scapular area of back.
- iii) Complain of pain over right hip area.
- iv) Diffuse swelling over right side of face.
- v) Complain of pain over left testicular area.

16. Dr. Harish Garg further stated that for injury No. (i & iv) patient was advised dental opinion and for injury No. (ii & v). Surgeon opinion and injury No (iii) Ortho opinion and referred him to Khanpur Medical College From the above findings, excluding injury No iv, rest all injuries were recorded as per symptoms of subject and there was no obvious external injury. He has also stated that at about 7:00 P.M. there was no external mark of injury and all these injuries have been recorded at the second time of medical examination at 11:05 P.M. All the findings were duly recorded in MLR No HKI/2021/94 dated July 26, 2021. On 06.09.2021, an application was received from Addl. Superintendent of Police, Gohana for providing opinion regarding injuries mentioned in MLR No- HKI/2021/94 dated July 26, 2021 for which he opined that possibility of sustained injuries No. (I to V) by fall from height cannot ruled out. This has also been duly recorded. He further stated that all the opinion/findings given by him are free from any influence and being a responsible Medical Officer; the findings mentioned above are true. When asked as to how much time an internal injury takes to get reflected externally as swelling or discoloration etc, he stated takes at least 40 minutes.

17. Inspector, Karamjeet Singh, through his counsel Sh. Ankit Bishnoi Advocate, cross examined Suraj Mor, Dheeraj and Jai Bhagwan and the same is taken on record.

18. On written request of Suraj Mor dated 17.02.2022 call details of Inspector Karamjeet Singh, ASI Jagbir and Manoj Kumari and locations of Karamjeet Singh were called. As per CDR, there are 11 calls between Inspector Karamjit Singh and Smt. Manoj Kumari from 24.7.2021 to 27.7.2021. As per locations details up & to 2012 hours on 26.07.2021 location was at PS Sadar Gohana and at 2017 hours on 26.7.2021. Inspector Karamjit Singh was at Village Kheri Damkan. After that he was at Village Sargthal/Baratha up & to 2207 hours.

19. On written request Inspector Karamjit Singh was heard on 7.3.2022 and he submitted a written statement before the Authority and the same is taken on record wherein he has re-emphasized his stand and version as already taken by him. He produced Smt. Manoj Kumari as his witness.

20. Smt. Manoj Kumari also recorded her statement before the Authority on 7.3.2022. She has stated that the contents of attached affidavit may be treated as her statement. As per the affidavit, Dheeraj has harassed her and threatened her of dire consequences if she files complaint against him and his friend Suaj Mor. Suraj Mor is mixed up with Dheeraj. She was present at Police Station Sadar Gohana on 26.7.2021 in connection with complaint against Dheeraj. Dheeraj, Suraj and one another person reached police station in the evening. She saw Suraj Mor screaming at the police guard standing outside and he was taking names of well known politicians and threatened that he will get all staff suspended. Suraj Mor was heavily drunk and under influence of alcohol and he became extremely angry when he was denied entry into the police station by the Guard. He used abusive language for police personnel present there. Dheeraj and Suraj Mor are one and same person with regard to criminal acts. They have threatened her and they have filed false complaints against her. Suraj Mor has filed false complaints against police personnel before State Police Complaint Authority. Dheeraj and Suraj Mor have also filed a criminal complaint before Judicial Magistrate, Gohana on same set of facts and circumstances and she is a party by name.

21. The complainant (Suraj Mor) submitted that the witnesses produced by Inspector Karamjit Singh have given their statements under pressure of Inspector Karamjit Singh and other police officials of PS Sadar, Gohana.

22. We have given a thoughtful consideration to the complaint and the documents as well as evidence produced on the file. Admittedly Shri Suraj Mor, complainant has gone to the police station with Dheeraj to drop the latter at police station. As per the complainant and his witnesses Suraj Mor was given merciless beatings at the hands of Inspector Karamjit Singh and by his staff on the directions of the SHO Karamjit Singh. The version of Inspector Karamjit Singh, L/ASI Santosh, ASI Jagbir and the other witnesses is that Suraj Mor was not given beating by anyone in the Police Station.

23. The assertions as raised by Karamjit Singh, Inspector and supported by his witnesses that Suraj Mor was heavily drunk has not been proved. Though the doctor has recorded at 6 :52 P.M. "Smell of alcohol coming from the mouth and breath of Suraj Mor in the MLR, yet there is no report of blood which verifies this and the extent of alcohol. Sample of blood was taken and handed over to the police". If the sample of blood was taken as stated by the Doctor in his statement, then why the same was not got tested/examined by the police. The doctor in his statement clearly stated that the blood sample was handed over to police. Merely recording that there was a smell of alcohol coming from mouth of Suraj Mor does not prove that he was heavily drunk. Secondly, the issue is what was his offence? Was he physically assaulting a police official or was he noting in a public place? If he had committed any offence why FIR was not registered against Suraj Mor? There is no FIR and report in the DDR of the Police Station.

24. According to Suraj Mor, Inspector Karamjit got provoked when he called him 'Bhai Sahib' and he was beaten up to serve as a demonstrative effect to Dheeraj. MLR was done by the doctor at 6.00 pm at Govt. Hospital, which did not indicate any fresh marks of physical injury. When the doctor appeared before the Authority, he was asked marks of physical beating appear immediately. He admitted that injuries can take about 45 minutes to be reflected physically. Therefore, it is possible that some injuries could not be clearly seen by the Doctor at that time. However MLR done by the same doctor at 11 pm, indicate four injuries and reference which establishes that Suraj Mor was beaten up by the police. The sequence of events shows that Suraj Mor was released from the police station around 10.02 pm. Therefore, all evidence suggests that the injury was caused during his detention in the police station. According to him he went home and sought advice from friends and went to get MLR which was done at 11.00 P.M. Second MLR by the same doctor at 11:05 PM shows 5 injuries and reference to Medical College.

25. Inspector Karamjit Singh has stated that the report of PGI dated 28/1/2020 says that is for purposes of medical treatment only. Nonetheless it is a fact that he was treated at PGIMS, Rohtak for the dental injury. However, it does prove that he went to PGIMS] Rohtak for treatment on reference of Doctor Harish on 26.7.2020 night to Medical College Khanpur Kalan. Though the complainant did not reach Medical College, Khanpur Kalan because as per his statement he was threatened by four persons in Santro car, which he reported in chowki that night. Besides, as per his statement he took up the matter with the District SP on 27<sup>th</sup> July itself.

26. Inspector Karamjit Singh has also produced a second opinion of the same Doctor. However, it was done much later after the complainant had already made complaints. This shows that the case was not dealt by laid down procedure and reflects deliberate attempt to bypass law. Secondly it does not seem to be relevant as there is no evidence to suggest anything of that nature. It is only an interpretation and that seems to help the accused. It is an attempt

deflects the matter. When the query was put to SHO regarding installation of CCTV cameras in police station it was surprising to know that there were no CCTV cameras installed in the PS which could have been the best evidence on the part of the SHO to rebut the allegations of the complaint. As per the report of SP, Sonapat CCTV cameras installed in the police station were not in working condition.

27. It is also surprising to note that on the complaint of Smt. Manoj Kumari which contained serious charges like rape on which Dheeraj was called, no FIR was lodged. Further, the whole matter was settled with 3&4 hours.

28. Statement of witnesses of the complainant namely Jai Bhagwan and Dheeraj alleged beatings were given to Suraj Mor, by the Inspector and others while statement of police Inspector ASI Jagbir, Santosh Kumari, Manoj Kumari and 3 others deny any such occurrence. The independent witnesses Ajay & Raj Kumar produced by SHO Karamjit said that beatings were not given in their presence. They have signed identical statements which they told had been procured from them. Here it is important to note the two independent witnesses produced by police state that they did not witness any beating but read about it in the newspaper next morning.

29. Statement of Smt. Manoj Kumari that she saw Suraj Mor in a drunken position, who was arguing at the gate with the sentry/police officials is incorrect because she was sitting with L/ASI Santosh Kumari in a room and how could she see this all happening at the gate.

30. The SHO Inspector Karamjit Singh and ASI Jagbir Singh stated that Suraj Mor was released at about 10:30 P.M. after he submitted an apology. However, the apology letter produced by the police and is on record is dated 27.7.2021 one day after the incident. Suraj Mor has also alleged that the signature on the letter are not his. When seen with bare eyes, the signatures do not seem match with his. This shows that police tried to place this doubtful document/paper to cover their story after Suraj Mor had complained the next day to the SP of the District.

31. The counsel for Inspector Karamjit Singh while putting forth his arguments tried to suggest that Suraj Mor had deliberately got second MLR done to frame the police. The question is why would he do that? Why would he run pillar to post after the incident unless he was truly aggrieved. The counsel also emphasized that Manoj Kumari and Suraj Mor had met each and were in contact. However, during the hearing neither Manoj Kumari nor police could establish that there is any evidence of their having met earlier or called each other on phone. Moreover, this issue is irrelevant and has no bearing on the issue in the complaint.

32. Inspector Karamjit Singh had requested that matter be stayed by the Authority as an application has been moved by Dheeraj dated 20.8.2021 in court of SDJM, Gohana. However, the application has been moved by Dheeraj



and not Suraj Mor about his own issue. Therefore, the Authority is not debarred from hearing the complaint. The complaint has taken up his own cause and grievance and not that of Dheeraj. Therefore, the Authority is within its jurisdiction to hear the case.

33. An important issue of jurisdiction of Police Station Sadar Gohana has been raised by Suraj Mor. It has been noted that police station Sadar Gohana is located in jurisdiction of Police station Gohana City. Therefore, any offence committed in its location should have been referred to City Thana and by that logic in case of Suraj Mor who allegedly was drunk and was arguing with the police personnel at the gate should have been referred to City Thana.

34. Since there was no DDR or complaint or a FIR against Suraj Mor what was the need to keep him in police station till 10 pm. What was his offence? It raises important issue of illegal detention, which has been proven.

35. The statement of the Inspectr Karamjit Singh says that he was present in the police station for a short time only and had given directions to ASI Jagbir for getting a medical done and marked the case complaint of Manoj Kumari to ASI Santosh Kumari and had left the station is not correct because the call details show that he was very much present at the police station throughout till 8:12 pm. Shri Karamjit Singh said that he does not know Manoj Kumari and that prior to date of the incident he had not been in touch with her. However, the call records show that there was exchange of calls between them earlier to the date of occurrence also. Admittedly she is from his native village Lath. Therefore, the misstatement of facts before the Authority that he was not in touch with her and did not know her is very serious. He conceded later after the call records were received that since she was from his village she had spoken with her with reference to some known persons. This also proves that there was a hurry to settle the case of Manoj Kumari and Dheeraj. Moreover, as per statement of Inspector Karamjit, Manoj Kumari and her brother met him outside the police station in the afternoon of 26.7.2021 and he asked her to submit her complaint in the police station. Also as per his statement, the written complaint was submitted at 6.00 P.M. in the evening time. However, it is strange that the phone call was made at 2.30/3.00 pm by L/ASI Santosh Kumari to Dheeraj to come to the police station regarding a complaint against him.

36. As per report of SP, Sonapat dated 24.9.2021, Sh. Jagbir Singh, ASI & L/ASI Santosh were issued show cause notice in connection with the complaints of Sh. Suraj Mor and Manoj Kumari and give warning to be careful for irregularities. The later event of sending a constable with Dheeraj to get his valuables and settlement of the complaint by the evening i.e. within a very short period is not a normal functioning of a police station. The chain of events does not show that the case was handled as per procedure of law. The fact that the disciplinary action by Police Department was taken against ASI Jagbir Singh and Santosh Kumari proves this.

37. Inspector Karamjit Singh has said in his statement that he has marked the complaint of Manoj Kumari to L/ASI Santosh Kumari and directed ASI Jagbir to deal with the issue of Suraj Mor and he is not aware of the outcome of these two directions. It seems to be an attempt to put responsibility on his juniors and thus save him from the consequences. His argument that he is only a supervisory authority is only a lame excuse. He has to be accountable for all happenings at PS. He tried to project that he was away the whole day is not correct. Karamjit Singh made a statement before the Authority that he had received a call at about 7.30 PM about a murder having taken place and he had left at 7.30 PM. However, this is also not true because the call records say that he was very much present till 8.12 P.M. and the time of occurrence of murder is 7.30 P.M. itself. Authority has taken serious note of misstatement of facts before it which casts an adverse reflection on his conduct and amounts to misconduct.

38. So keeping in view all the circumstances as explained above, the Authority has come to the conclusion that there was violation of basic principles of liberty, justice, fairness and breach of all laid down procedures. Inspector Karamjit Singh, then SHO Gohana abused his powers, used physical force to commit excesses and beat Suraj Mor, who had no FIR or DDR pending against him and was only a visitor in the police station. The charge of drunkenness on part of Suraj Mor does not stand proven but even if he felt that he was under the influence of liquor, yet it gave no right to Police to use force or to beat him or to detain him. Moreover, as an SHO, he has to take responsibility for all the happenings along with others.

39. Therefore, the Authority recommends suspension and strict departmental action against Shri Karamjit Singh, SHO Inspector, the then PS Sadar Gohana for using unwarranted use of force and misuse of his powers. Any other action, which the Government deems fit and proper in the circumstances of the case, may also be taken.

Sd  
R-C Verma  
Member

Sd  
K-K- Mishra  
Member

Sd  
Mrs Navraj Sandhu  
Chairperson

The inquiry report submitted by the department is placed before the Committee in its meeting held on 28.06.2022. After detailed discussion, the Committee satisfied with the inquiry report and decided that the petition/representation is disposed off.

**12. PETITION/REPRESENTATION RECEIVED FROM SHRI SURAJ MOR S/O SH. SURAJBHAN MOR, SURYA GARDEN, ROHTAK. REGARDING NOT REGISTERED FIR BY THE SUPERINTENDENT OF POLICE SONEPAT, WHICH READS AS UNDER: -**

सेवा में,

माननीय अध्यक्ष महोदय,  
याचिका समिति, हरियाणा विधानसभा,  
चंडीगढ़।

**विषय—** दरखास्त बराये पुलिस अधीक्षक, सोनीपत द्वारा मुकदमा दर्ज ना करने बारे विरुद्ध 1. SHO कर्मजीत सिंह, थाना सदर गोहाना व अन्य स्टाफ तादादी 12 जिन के नाम व बैल्ट नम्बर सामने आने पर व मनोज कुमारी डाइवरसी, निवासी डी०-79 सैक्टर-34 सनसीटी रोहतक, हरियाणा।

श्रीमान् जी.

प्रार्थी निम्नलिखित प्रार्थना करता है :-

1. यह कि प्रार्थी विष्णु नगर गोहाना का मूल निवासी है तथा रोहतक रोड गोहाना पर प्रार्थी ने सूर्या गार्डन के नाम से वैकट हाल होटल इत्यादि बना रखा है जिसका संचालन स्वयं करता है तथा एक सामाजिक परिवार से सम्बन्ध रखता है।

2. यह कि धीरज पुत्र बलबीर सिंह निवासी लाठ जो हाल में रोहतक रहता है ने मुझे सूचित किया कि उत्त सदर थाना गोहाना से एक टेलीफोन काल तुरन्त थाना में आने के लिए आया है। तदुपरान्त शाम को मैं व जयभगवान निवासी जसीया, धीरज लाठ साथ थाना सदर में चले गए। जहां ASI सन्तोष धीरज को एक कमरे में ले गई। और मन प्रार्थी व जयभगवान बरामदा में धीरज के सन्तोष ऐ०एस०आई० के कमरे से आने का इन्तजार करने लग गए। थोड़ी देर में कर्मजीत सिंह एस०एच०ओ० जो गांव मुढाल का निवासी है बाहर बरामदा में हमारे पास आया और कहने लगा कि आप यहाँ क्यों खड़े हैं इस पर मन प्रार्थी ने बताया भाई साहब धीरज को बुलाया गया है हम उनके साथ आए हैं उन का इन्तजार कर रहे हैं इस पर कर्मजीत दोषी ने मन प्रार्थी को गुस्से में कहा कि तेरी हिम्मत मुझे भाई साहब कहने की कैसे हो गई और इस पर कर्मजीत ने मुझे पीटना शुरू कर दिया और पिटाई का शोर सुनकर व एस.एच.ओ. की आवाज पर थाना के लगभग 12 स्टाफ के सदस्य वहीं बरामदा में आ गए और सभी ने एस.एच.ओ. के आदेश पर कुछ पुलिस कर्मचारियों ने मुझे एक कमरे में ले जाकर उल्टा लेटा दिया और चमड़े के पट्टे से काफी पिटाई की जहां पर मनोज कुमारी ने पुलिस कर्मचारियों को कहा कि इस को मारो उस समय धीरज भी वही था और फिर मुझे खुले बरामदा में लाकर दोबारा से सभी ने पिटाई की और बोले पता लग गया साहब कहते हैं इस पिटाई से मेरे शरीर पर काफी निशानत चोट आ गए और मेरा एक दांत भी टूट गया।

3. यह कि जैसे ही कर्मजीत दोषी को पता चला कि मन प्रार्थी सूर्या होटल का मालिक है और मैंने इसकी नजर पिटाई कर दी तभी उसने 5 पुलिस कर्मचारियों को मेरा मेडीकल कटवाने की हिदायत दी और कहा कि डाक्टर से लिखवा लेना कि मैंने शराब मे रखी है। इस पर 5 कर्मचारी मुझे सिविल हस्पताल लेकर गए तथा वहां पर उन्होंने डाक्टर हर से मिली भगत करके पुलिस क. दाद दिखाकर मेरी इच्छा के विरुद्ध मेरा मेडीकल करवाया और ब्लड सैंपल भी लिए जिस का इन्द्राज सिविल हस्पताल गोहाना के रजि. क्रमांक 1026 पर दर्ज है तथा उस पुलिस कर्मचारी का नाम जगबीर मो. 9053339400 दर्ज है।

4. यह कि तदुपरान्त मुझे सदर थाना में लाया गया और मेरा भाई व उसका दोस्त भी उक्त पिटाई की सूचना मिलने पर आए और कर्मजीत दोषी एस.एच.ओ. से मेरी पिटाई का कारण पूछा। तब कोई जवाब एस.एच.ओ. के पास ना होने के कारण मुझे मेरे भाई के हवाले कर दिया इस सारी पिटाई की थाना से फुटेज निकलवार कर तस्सली की जा सकती है।

5. यह कि उक्त नाजायज पिटाई के उपरान्त मन प्रार्थी ने अपना इलाज करवाने के लिए सिविल हस्पताल गोहाना का रुख किया और अपना मेडीकल कटवाया/एम.एल.आर. व दवाई ली। परन्तु चोट ज्यादा होने के कारण मुझे पी.जी.आई. एम.एस. खानपुर कलां में रैफर आगामी इलाज के लिए कर दिया। तदुपरान्त मैं अपने होटल से खर्चे दवाईयां इत्यादि लेकर जब खानपुर के लिए निकला तो उसी समय 4 पुलिस कर्मचारी एक सन्ट्रों गाड़ी सफेद रंग बिना नम्बर को सादी वर्दी में आए और मन प्रार्थी को एलानियां धमकी दी अगर एस.एच.ओ. साहब के खिलाफ कोई कार्यवाही की तो जान से हाथ धो बैठोगे। मैने भैसवान चौकी रोहतक रोड गोहाना को तुरन्त लिखित दरम्यान से सूचित किया जिस का न.-55-5 डी.-267-2021 है क्योंकि चमका मला वह एरिया, पी.एस. बरोदा भैसवान चौकी के क्षेत्राधिकार में आता है अतः धमकी के वक्त मैं अकेला था।

6. यह कि अपने जीवन को खतरे में पाकर मन प्रार्थी खानपुर पी.जी.आई. एम.एस. नहीं गया और अपना इलाज अगले दिन पी.जी.आई. रोहतक से करवाने का निर्णय लिया और पी.जी.आई. रोहतक चला गया जहां पर मैं दिनांक 27.07.2021 से 28.07.2021 तक एडमिट रहा और अपना इलाज करवाया डैन्टल सर्जन ने मेरा एक दांत टुटे होने बारे अपनी रिपोर्ट दी जिस का वर्णन डिसचार्ज रिपोर्ट में है।

7. यह कि उक्त नजायज मार पिटाई व कानून को हाथ में लेकर कानून व अपने पद का दुरुपयोग कर्मजीत एस.एच.ओ. थाना सदर गोहाना द्वारा अपने पुलिस स्टाफ की मदद से किए जाने बारे मन प्रार्थी ने एक शिकायत एस.पी. सोनीपत को दी। जिन्होंने ए.एस.पी. गोहाना को इस विषय में कार्यवाही की हिदायत हमारे सामने दी परन्तु ए.एस.पी. गोहाना द्वारा आज तक अधिनिस्थ कर्मचारी होने व थानाध्यक्ष व अन्य स्टाफ के द्वारा ज्यादाती किए जाने बारे कोई कार्यवाही ना की। अतः इस। दिनांक 29.07.2021 को मन प्रार्थी उक्त ज्यादाती की सूचना समाज व उच्च अधिकारियों को दी जिसे बारे कई अखबारों न न्यूज पब्लिश की व टी. वी. पर भी दिखाई परन्तु ए.एस.पी. गोहाना आज तक ना कोई एफ.आई.आर दर्ज करवाई और न ही मनोज कुमारी व स्टाफ थाना सदर के विरुद्ध कोई एक्शन लिया गया।

8. यह कि इस नाजायज येई व कर्मजीत द्वारा कानून को हाथ मे लेने की वजह से जो निकलकर सामने आई वह भी वर्णन करना अति आवश्यक है। मनोज कुमारी डाईवरसी रणधीर कुमार बतौर जूनियर लैक्चरर गांव मुंडाल बाड़ाहेडी भिवानी/हिसार में कार्यरत है तथा बन्जीत दोषी भी गांव मुंडाल का निवासी है। मनोज कुमारी धीरज निवासी लाठ के साथ लीव इन रिलेशनशिप में कई वर्षों से रोहतक रह रही थी जिस का अब आपस में किसी बात को लेकर सम्बन्धों में तकरार थी इस दौरान कर्मजीत व मनोज कुमारी से एक दरखास्त ले ली और उस दरखास्त पर दवाब बना कर धीरज से पुलिस कर्मचारी भेजकर जबरदस्ती रेप केस दर्ज करने व 10 साल की कैद की धमकी देकर रोहतक से उठवाकर नकदी व जेवरात मनोज कुमारी को नाजायज लाभ देने के लिए दिलवा दिए जबकि मनोज कुमारी व धीरज रोहतक में रहते थे तथा मनोज कुमारी गांव मदीना की बहता बताई गई तथा मायका खानपुर/हांसी गांव में है गोहाना सदर का कोई मामला ना है क्योंकि पिछले 3 साल से ज्यादा अर्से से धीरज अपने गांव में कभी गया ही नहीं।

9. यह कि प्रार्थी की नाजायज पिटाई मन प्रार्थी को थाना सदर के कमरे में व आगन में नाजायज कैद कर मेरी इच्छा के विरुद्ध नाजायज कैद कर कर्मजीत दोषी हाल एस.एच.ओ. सदर गोहाना अधीनस्थ कर्मचारियों द्वारा अपने पद का दुरुपयोग करके मेरी नाजायज पिटाई की गई जो थाना शहर गोहाना के क्षेत्राधिकार में आता है अतः एस.एच.ओ. सदर गोहाना व अधीनस्थ कर्मचारी एस.एच.ओ. सन्तोष व मनोज कुमारी व अन्य कर्मचारियों आई.पी.सी. की विभिन्न धाराओं में जुर्म किया है जो काबिले सजा है।

10. पुलिस अधीकक्ष सोनीपत ने एस.एच.ओ. कर्मजीत पर कार्यवाही करने की बजाए उसको थाना सर गोहाना एस.एच.ओ. से हटा कर जहां शहर पुलिस थाना गोहाना जिसके क्षेत्र में यह अपराध हुआ व जहां जांच होनी थी, उसी थाने का एस.एच.ओ. नियुक्त कर दिया। अतः यह दरखास्त बराये आवश्यक कार्यवाही दी जा रही है।

अतः प्रार्थना है कि उक्त कर्मजीत दोषी व मानेज कुमारी व एस.एच.ओ. थाना सदर गोहाना व उसके अधिनस्थ कर्मचारी जिन्होंने मुझे नाजायज पिटाई के विरुद्ध एफ.आई.आर. दर्ज करवा सजा दिलवाई जाए तथा तुरन्त प्रभाव से सस्पेंड किया जा ताकि इन्कवारी व इन्वस्टिगेशन को प्रभावित ना कर सके।

धन्यवाद सहित।

The Petition/Representation was placed before the Committee in its meeting held on 21.09.2021 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee orally examined the departmental representatives & petitioner/ applicant in its meeting held on 12.10.2021. After discussed the matter, the Committee observed that the matter sent to the State Police Complaints Authority for inquiry & submit the inquiry report to the Committee within two months. The Committee received inquiry report from the concerned department, which reads as under: -

To

The Secretary,  
Haryana Vidhan Sabha, Chandigarh.

No.1032/SPCA

dated 18.04.2022

**Subject:- Complaint no- 105/SPT/SPCA/2021 dated 20-9-2021 made by Shri Suraj Mor s/o Shri Suraj Bhan Mor R/o Surya Garden Marak, Gohana (Sonapat).**

The complaint of Shri Suraj Mor s/o Shri Suraj Bhan Mor was got inquired through Superintendent of Police, Sonipat. Later on the case was personally heard by the Authority by summoning both the parties. Para in view of the facts and circumstances brought on the file by both the parties, the Authority has come to the conclusion that there was violation of basic Principles of liberty, justice, fairness and breach of all laid down procedures. Inspector Karamjit Singh then SHO Gohana abused his powers used physical force to commit excesses and beat Suraj Mor who had no FIR or DDR pending against him and was only a visitor in the Police Station. The charge of drunkenness on part of Suraj Mor does not stand proven. But even if he felt that Suraj Mor was under the influence of liquor it does not give right to Police to use force or to beat him or to detain him. Moreover, as an SHO he has to take responsibility for all the happenings alongwith others.

Therefore, the Authority recommends suspension and strict departmental action against Inspector Karamjit Singh, SHO, the then PS Sadar Gohana for using unwarranted use of force and misuse of his powers. Any other action which the Government deems fit and proper in the circumstances of the case, may also be taken

The detailed orders passed by the Authority dated 7-3-2022 are enclosed herewith.

**BEFORE THE STATE POLICE COMPLAINT AUTHORITY, HARYANA AT CHANDIGARH**

Complaint No- 105 of 2021

Date of Decision 07-03-2022

Suraj Mor ..... Complainant

Versus

Karamjit Singh ..... Respondents

CORAM:

Mrs. NAVRAJ SANDHU, CHAIRPERSON

Sh. K.K. MISHRA, MEMBER

Sh. R.C. VERMA, MEMBER

Present: 1. Suraj Mor along with his wife Mrs. Meenakshi.  
2. Sh. Karamjit Singh, SHO Gohana with counsel  
Sh. Ankit Bishnoi, Advocate

**ORDER**

1. Complainant Sh Suraj Mor filed the instant complaint dated 20.09.2021. As per allegations. Sh. Suraj Mor complainant and Jai Bhagwan accompanied Dheeraj to Sadar Police Station on 26.7.2021 as Dheeraj was called by police officers of Police Station Sadar Gohana regarding a complaint filed by Smt Manoj Kumari L/ASI Smt Santosh took Dheeraj in her room and he & Jai Bhagwan were standing in the verandah of the police station. According to the complainant, Inspector Karamjit Singh approached them and asked them the reason for standing there and when complainant replied addressing Inspector SHO as Bhai Sahib, Inspector Karamjit Singh started beating him saying as to how you dared to address me "Bhai Sahib". On hearing noise other police personnel came and the Inspector ordered them to beat him. They took him in a room and he was beaten mercilessly. Due to the beating, there were several injury marks on the body of the complainant and one of his teeth was also broken After that he was taken to Civil Hospital by 5 police officials for general and alcohol medical. After medical examination from the Civil Hospital, Gohana. He was again taken to police station where brother of the complainant and his other friends also reached and he was handed over to his brother and friends late night. He along with his brother went to the Civil Hospital, Gohana for medical treatment and for getting a MLR. MLR was done and he was also referred to Medical College, Khanpur for further treatment. He alone reached Medical College, Khanpur where 4 police officials were present in a Santro car without number and threatened him. Accordingly, he decided to approach PGIMS, Rohtak, where he was admitted on 27.7.2021 and was discharged on

28.7.2021. He submitted written complaint against SHO and Manoj Kumari to SP, Sonapat and ASP, Gohana but no action was taken against them. Complainant has annexed copy of MLR recorded by doctor of Civil Hospital, Gohana at 11:05 P.M. dated 26.7.2021 and Copy of treatment at PGIMS, Rohtak

**Allegations made by the Complainant are;**

- vi) He was illegally detained on 26.07.2021 by Sh. Karamjit Singh SHO and others at PS Sadar Gohana.
- vii) He was beaten up mercilessly. He had committed no offence but accompanied a friend of his who was called by the SHO.
- viii) After beating him they took him to the local Hospital for medical for intoxication, though he had not taken any alcohol.
- ix) Due to merciless beating, there were several injury marks on the body his and one of his teeth was also broken.
- x) He has approached this Authority for lodging an FIR against SHO and other.

After hearing the complainant on 25.10.2021, this Authority directed to Inspector Karamjeet Singh SHO, Police Station Sadar Gohana to be present along with relevant record on the next date of hearing i.e. 27.11.2021.

2. As per the MLR of Government Hospital, Gohana, which was reported in presence of brother and one another friend of the complainant doctor has recorded six injuries which are described in the statement of Dr Harish Garg, Medical Officer, Civil Hospital, Gohana, Discharge card of PGIMS, Rohtak shows that the complainant was admitted and discharged on same day i.e. 28.07.2021, whereas complainant has submitted in the complaint that he was admitted on 27.07.2021. On the discharge card dated 28.07.2021, doctor has recorded **"not for medico legal purpose only for treatment purpose"**.

3. The complaint was got enquired from SP Sonipat, who submitted his report vide memo no 35670/1P dated 24.09.2021. As per report of SP Sonapat, opinion in MLR HKI/2021/94 Dated 26.07.2021, was taken from the doctor who reported that possibility of sustaining injury 1 to 5 due to fall from height cannot be ruled out and no injury was found of the body of the complainant Suraj. Eye witness Raj Kumar has stated that he was present in the Sadar Police Station on 26.07.2021, he noticed that a person was speaking in loud voice and he was under intoxication. He abused police officials and was threatening to get them suspended from the service. He was speaking his name as Suraj Mor, No beatings were given to the complainant. The time when the complainant submitted his report Inspector Karamjeet Singh, was at village Saragthal and the complainant could not submit any proof regarding Santro car used by police officials who threatend the complainant. Medical of the complainant was got conducted from civil hospital by ASI Jagbir Singh, regarding consumption of alcohol and general condition. Doctor has reported at 6:52 P.M. in medical report for alcohol "smell of alcohol coming from mouth and breathe-sample of blood taken for alcohol examination and handed over to

police". Doctor has reported at 6:55 P.M. in the medical examination as "no fresh mark of injury seen". Complainant mis-behaved with SPO Rajbir at the gate of police station Sadar Gohana. Complainant tendered his written apology to ASI, Jagbir Singh and accordingly he was handed over to his brother Ravinder Mor ASI, Jagbir Singh has been issued with a show cause notice for not recording this incident in DDR. The allegations could not be proved. Inspector Karamjit Singh produced L/ASI Santosh Kumari, ASI Jagbir Singh, Sh. Ajay and Sh. Raj Kumar in his evidence.

4. The complainant was heard who reiterated his version of the complaint. He produced Sh. Dheeraj and Sh. Jai Bhagwan as his witnesses. Statement of Shri Dheeraj was recorded, who supported the version of complaint of Sh Suraj Mor and stated that he was called by SHO at about 02:30 P.M. on the complaint of Smt. Manoj Kumari (live in partner). At about 03:00 P.M. he received a phone of L/ASI Smt. Santosh to report to police station. He along with Jai Bhagwan and Suraj Mor reached police station Sadar Gohana at 06:00 P.M. L/ASI Santosh asked him to sit in her room where Smt. Manoj Kumari was already present. Suraj Mor and Jai Bhagwan were standing outside the verandah. When Suraj Mor addressed SHO as "Bhai Sahib", SHO started beating Suraj. Some other police officials came and took Suraj Mor in a room and beat him. After sometime they took Suraj in the open lawn and gave beatings by sticks. L/ASI Santosh asked him to comply with demands of Smt. Manoj Kumari or he will be put behind bar for 10 years. She asked to hand over all jewellery and scooty to Smt. Manoj Kumari, HC Sandeep Hooda accompanied him and jewellery & scooty was handed over to Smt. Manoj Kumari. He requested action against SHO Karamjit Singh for giving beatings to Suraj Mor.

5. Statement of Jai Bhagwan was also recorded, who corroborated the version of the complainant and supported the statement as was made by Sh. Dheeraj that Suraj Mor was given merciless beatings by the SHO, without any fault of his.

6. Inspector Karamjit Singh recorded his statement before the Authority on 29.11.2021 and also placed on record complaint dated 26.7.2021 of Manoj Kumari, statement dated 26.7.2021 of Dheeraj, statement dated 26.7.2021 of Ajay s/o Ranbir, statement dated 26.7.2021 of Raj Kumar s/o Ram Dhan, copy of FIR No 264 dated 26.7.2021. Inspector Karamjit Singh stated that complainant (Smt. Manoj Kumari) met him at the gate of police station- He asked her to submit a written complaint. It was reported by her that Dheeraj s/o Balbir R/o Village Lath has done a wrong act with her and also threatened her not to report to anyone. The SHO asked her to submit a written complaint to L/ASI, Santosh Kumari. After that he got busy in official work. In the evening, the written complaint of Smt. Manoj Kumari was given to L/ASI, Santosh Kumari, in front of him and he marked to L/ASI, Santosh for action as per rules. As per his statement after sometime SHO, Karamjit Singh heard noise from the gate and he saw that one person was arguing with the SPO,



Rajbir in loud voice and he was unable to stand SPO, Rajbir told that he is Suraj Mor and he (Suraj Mor) has manhandled him (SPO) and threatened him that he will get the SPO suspended. ASI Jagbir, HC Pawan, HC Jasbir also reached there. Some people from the public were also present there. He ordered SPO on duty to get the medical of Suraj Mor done and to take action as per law. After sometime he got information of an occurrence of murder at Village Sargthal and he proceeded for the spot of incident and returned back to the police station late in the night. L/ASI Santosh intimated him on next date i.e. 27.07.21 that there was dispute between Manoj Kumari and Dheeraj over cash and jewellery, which was settled by the two themselves. Therefore, it was not entered in DDR and Manoj Kumari had withdrawn her complaint.

ASI Jagbir intimated that as per the medical report of Suraj Mor, doctor of Government hospital, Gohana has reported, "smell of alcohol coming from mouth and breath-sample of blood taken for alcohol examination and handed over to police". "No fresh mark of injury seen". ASI Jagbir also told that after they returned from the medical examination, Ravinder Mor, brother of the complainant and one another person were also present in the police station. Suraj Mor tendered apology and he was then handed over to his brother Ravinder Mor because Suraj Mor was under influence of liquor.

7. He has admitted that he is from Village Mundhal and Manoj Kumari is from Village Bandaheri, which comes under Distt. Bhiwani & Hisar respectively. He had no connection/relation with Manoj Kumari nor did he know about the complainant before the alleged incident- He requested that doctor of Government Hospital, SPO Rajbir, Raj Kumar S/o Ram Dhan, Manoj Kumari and her brother Pawan may be called as witnesses. He also stated that Dheeraj has filed a complaint (Istghasha) titled as Dheeraj v/s Karamjit before the court of Shri Sachin Yadav, SDJM, Gohana wherein the allegations levelled by the complainant Suraj Mor in the instant complaint are also under consideration. He had joined enquiry conducted by Smt. Nikita Khattar, IPS, ASP, Gohana and Shri Gorakhpal Rana, HPS, DSP, Hqrs. Rohtak in two different inquiries. Both the inquiries have been filed being devoid of merits.

8. In his statement he denied that he had beaten Suraj Mor, and also that he forcibly got jewellery etc. handed over from Dheeraj to Manoj Kumari. All action has been taken as per rules. He also named the persons present on the spot.

9. Inspector Karamjit Singh submitted an application received in this Authority on 21.02.2022 praying for stay of proceedings in this complaint before this Authority. It has been stated that the allegations are not covered under section 65 of Police Act 2007 and complaint is not maintainable. It was further submitted that complainant witness of present matter i.e. Dheeraj has filed a criminal complaint u/s 156(3) of Cr. PC before Judicial Magistrate, Gohana titled as Dheeraj V/s Karamjit and cognizance has been taken by the court. Therefore, the bar created under the proviso to Section 65(1) of Haryana Police Act, 2007 comes into place which states that no anonymous,

synonymous, pseudonymous complaints shall be entertained. He has referred a judgment passed by the Hon'ble Punjab & Haryana High Court in CWP No 12601 of 2015 titled as Ranjit Singh Bhatt v/s Union of India.

10. Inspector Karamjit Singh has placed on record copy of report of SP, Rohtak and copy of Istghasha Case No. 16/2021 titled as Dheeraj V/s Karamjit Singh pending in the court of Sachin Yadav, ACJ(SD)-cum-SDJM, Gohana u/s 420, 120B, 500, 342, 389, 166, 506, 200, 211, 118 IPC. He has submitted that inquiry on , the same matter has already been conducted by SP, Rohtak dated 20.09.2021 as well as SP, Sonapat dated 24.09.2021 and matter has been filed. He has further submitted that the complainant namely Shri Dheeraj has filed Ishtgasha in the court of SDJM, Gohana and matter of the instant complaint is also part of the Ishtgasha. The only difference is name of the complainant before the court of SDJM, Gohana Suraj Mor is the complainant before this Authority and Dheeraj is witness whereas Dheeraj is complainant and Suraj Mor is witness in the above said Ishtgasha. He has requested that complaint before the Authority be filed in view of the pending Ishtgasha before the court of SDJM, Gohana.

11. L/ASI Santosh Kumari recorded her statement before the Authority on 29.11.2021. She stated that she is posted as investigating officer at Police Station Sadar, Gohana. Smt. Manoj Kumari, alongwith her brother reached the Police Station on 26.07.2021 and orally reported that Dheeraj resident of Village Lath has made physical relationship by force and has grabbed her cash and jewelry. On asking she submitted a written complaint against Dheeraj at about 5.30/6.00 pm. She presented a complaint before Inspector Karamjeet Singh who directed her to act as per law. In the meantime, Dheeraj reached police station. Dheeraj and Manoj Kumari discussed the matter regarding cash and jewellery and they reached a compromise in writing. Hence, no FIR was lodged that day. She told the whole incident to SHO next day i.e. 27.07.2021. She had no connection with Manoj Kumari, before that day. She had done her duty with honestly and fairly. She has not called Suraj to police station. She heard a noise from gate and came to know that Suraj Mor was arguing with police official on gate duty. She has also got recorded her statement before ASP Gohana, and DSP Headquarter Rohtak. She has already been punished by the then SP Sonipat. Dheeraj has filed a case before the court of Gohana and she had been impleaded as a party.

12. ASI, Jagbir Singh recorded his statement before the authority on 21.11.2021 and has stated that he was on SDO duty at PS Sadar Gohana, on 26.07.2021. He heard noise from gate around 5.00/5.30 pm and saw that Suraj was arguing in loud voice with SPO Rajbir no. 308. He was unable to stand properly. At that time, Inspector Karamjeet Singh, HC Pawan and HC Jasbir Singh and other private persons were present. SPO Rajbir told that Suraj Mor was threatening him. Inspector Karamjeet Singh, asked him to get medical examination of Suraj Mor conducted. He got the medical examination of Suraj Mor conducted at Govt. Hospital. In the medical doctor at 6:52 pm reported

Smell of alcohol coming from mouth and breath Sample of blood taken for alcohol examination and handed over to police". In the MLR medical doctor at 6.55 pm reported "No fresh mark of injury seen". After that they returned to police station where Devender Mor, brother of Suraj Mor was already present. On tendering written apology by Suraj Mor, he was handed over to his brother because he had taken a lot of liquor. No kind of beating was given to Suraj Mor in the police station and no injury mark was there He has also got recorded his statement before ASP Gohana and DSP Headquarter Rohtak. He has already been punished by the then SP Sonipat. Dheeraj has filed a case before the court of Gohana and he had been implead as party.

13. Sh. Ajay s/o Sh. Ranbir Singh R/o village Ishapur Kheri PS Baroda recorded his statement before the authority on 29.11.2021. He stated that he is employed in Bijli Board Pillukhera and was present at police station Sadar Gohana alongwith Sh. Joginder Malik on 26.07.2021. He was standing outside the thana and saw three persons reaching police station in a vehicle. He noticed that driver of the vehicle was unable to walk. Two persons went inside the police station and driver without parking the vehicle at proper place, was going inside the police station and argued with the police officials on duty at the gate of police station. He noticed that he was drunk and smell of alcohol was coming from his mouth. He was threatening the police officials that he will got them suspended. Some police officials and public persons reached there. Police officials were talking to get medical examination done and after some time they took Suraj Mor for medical. No police official gave beatings to Suraj Mor. Next day he read the news regarding beating given to Suraj Mor in the news paper. He gave his statement before police officers accordingly.

14. Sh. Raj Kumar s/o Sh. Ramdhan R/o Village Lath recorded his statement before the authority on 29.11.2021. He has stated that he is a kabaddi player and was present in the Police Station Sadar Gohana on 26.07.2021. in connection with theft at the Govt. School of his village. When he was sitting in the varandha one person was arguing in loud voice with the police official on duty at main gate. He was threatening police official that he will get himself suspended. In the meantime some police official and public person reached at the main gate. Police officials were talking regarding medical examination of Suraj Mor after some time they took Surja Mor for medical examination in police vehicle. Suraj Mor was arguing in loud voice with police official under the influence of liquor. No kind of beating was given by any police official to Suraj Mor. Next day he read a news article in the newspaper that beatings were given to Suraj Mor. He has recorded his statement before police officials to tell the truth. Suraj Mor and Dheeraj approached him and requested to change the statement but he refused.

15. Dr. Harish Garg medical officer Govt. Hospital, Gohana recorded his statement before the authority on 02.02.2022. He has stated that on 26.07.2021 he was on night duty at Sub Division Hospital, Gohana as Casualty Medical Officer and on the same date i.e. 26.07.2021 ASI Jagbir Singh from PS

Sadar Gohana brought Suraj Mor S/o Surajbhan Mor for medical examinations at about 6:52 P.M. During the course of examination, he noticed smell of alcohol coming from mouth and breath of Suraj Mor. Sample of blood was taken and handed over to police. He also stated that at about 6:55 PM, there was no external mark of injury on the body of Suraj Mor and all the findings were accordingly recorded by him on the same day i.e. July 26, 2021. Suraj Mor came along with Navneet and Balbir for self medical examination at about 11:05 PM. with alleged history of assault and he found following observations/injuries on his body:-

- vi) Complain of pain upper right jaw.
- vii) Diffuse pain over bilateral scapular area of back.
- viii) Complain of pain over right hip area.
- ix) Diffuse swelling over right side of face.
- x) Complain of pain over left testicular area.

16. Dr. Harish Garg further stated that for injury No. (i & iv) patient was advised dental opinion and for injury No. (ii & v). Surgeon opinion and injury No (iii) Ortho opinion and referred him to Khanpur Medical College From the above findings, excluding injury No iv, rest all injuries were recorded as per symptoms of subject and there was no obvious external injury. He has also stated that at about 7:00 P.M. there was no external mark of injury and all these injuries have been recorded at the second time of medical examination at 11:05 P.M. All the findings were duly recorded in MLR No HKI/2021/94 dated July 26, 2021. On 06.09.2021, an application was received from Addl. Superintendent of Police, Gohana for providing opinion regarding injuries mentioned in MLR No- HKI/2021/94 dated July 26, 2021 for which he opined that possibility of sustained injuries No. (I to V) by fall from height cannot ruled out. This has also been duly recorded. He further stated that all the opinion/findings given by him are free from any influence and being a responsible Medical Officer; the findings mentioned above are true. When asked as to how much time an internal injury takes to get reflected externally as swelling or discoloration etc, he stated takes at least 40 minutes.

17. Inspector, Karamjeet Singh, through his counsel Sh. Ankit Bishnoi Advocate, cross examined Suraj Mor, Dheeraj and Jai Bhagwan and the same is taken on record.

18. On written request of Suraj Mor dated 17.02.2022 call details of Inspector Karamjeet Singh, ASI Jagbir and Manoj Kumari and locations of Karamjeet Singh were called. As per CDR, there are 11 calls between Inspector Karamjit Singh and Smt. Manoj Kumari from 24.7.2021 to 27.7.2021. As per locations details up & to 2012 hours on 26.07.2021 location was at PS Sadar Gohana and at 2017 hours on 26.7.2021. Inspector Karamjit Singh was at Village Kheri Damkan. After that he was at Village Sargthal/Baratha up & to 2207 hours.

19. On written request Inspector Karamjit Singh was heard on 7.3.2022 and he submitted a written statement before the Authority and the same is taken

on record wherein he has re-emphasized his stand and version as already taken by him. He produced Smt. Manoj Kumari as his witness.

20. Smt. Manoj Kumari also recorded her statement before the Authority on 7.3.2022. She has stated that the contents of attached affidavit may be treated as her statement. As per the affidavit, Dheeraj has harassed her and threatened her of dire consequences if she files complaint against him and his friend Suaj Mor. Suraj Mor is mixed up with Dheeraj. She was present at Police Station Sadar Gohana on 26.7.2021 in connection with complaint against Dheeraj. Dheeraj, Suraj and one another person reached police station in the evening. She saw Suraj Mor screaming at the police guard standing outside and he was taking names of well known politicians and threatened that he will get all staff suspended. Suraj Mor was heavily drunk and under influence of alcohol and he became extremely angry when he was denied entry into the police station by the Guard. He used abusive language for police personnel present there. Dheeraj and Suraj Mor are one and same person with regard to criminal acts. They have threatened her and they have filed false complaints against her. Suraj Mor has filed false complaints against police personnel before State Police Complaint Authority. Dheeraj and Suraj Mor have also filed a criminal complaint before Judicial Magistrate, Gohana on same set of facts and circumstances and she is a party by name.

21. The complainant (Suraj Mor) submitted that the witnesses produced by Inspector Karamjit Singh have given their statements under pressure of Inspector Karamjit Singh and other police officials of PS Sadar, Gohana.

22. We have given a thoughtful consideration to the complaint and the documents as well as evidence produced on the file. Admittedly Shri Suraj Mor, complainant has gone to the police station with Dheeraj to drop the latter at police station. As per the complainant and his witnesses Suraj Mor was given merciless beatings at the hands of Inspector Karamjit Singh and by his staff on the directions of the SHO Karamjit Singh. The version of Inspector Karamjit Singh, L/ASI Santosh, ASI Jagbir and the other witnesses is that Suraj Mor was not given beating by anyone in the Police Station.

23. The assertions as raised by Karamjit Singh, Inspector and supported by his witnesses that Suraj Mor was heavily drunk has not been proved. Though the doctor has recorded at 6:52 P.M. "Smell of alcohol coming from the mouth and breath of Suraj Mor in the MLR, yet there is no report of blood which verifies this and the extent of alcohol. Sample of blood was taken and handed over to the police". If the sample of blood was taken as stated by the Doctor in his statement, then why the same was not got tested/examined by the police. The doctor in his statement clearly stated that the blood sample was handed over to police. Merely recording that there was a smell of alcohol coming from mouth of Suraj Mor does not prove that he was heavily drunk. Secondly, the issue is what was his offence? Was he physically assaulting a police official or was he noting in a public place? If he had committed any offence why FIR was

not registered against Suraj Mor? There is no FIR and report in the DDR of the Police Station.

24. According to Suraj Mor, Inspector Karamjit got provoked when he called him 'Bhai Sahib' and he was beaten up to serve as a demonstrative effect to Dheeraj. MLR was done by the doctor at 6.00 pm at Govt. Hospital, which did not indicate any fresh marks of physical injury. When the doctor appeared before the Authority, he was asked marks of physical beating appear immediately. He admitted that injuries can take about 45 minutes to be reflected physically. Therefore, it is possible that some injuries could not be clearly seen by the Doctor at that time. However MLR done by the same doctor at 11 pm, indicate four injuries and reference which establishes that Suraj Mor was beaten up by the police. The sequence of events shows that Suraj Mor was released from the police station around 10.02 pm. Therefore, all evidence suggests that the injury was caused during his detention in the police station. According to him he went home and sought advice from friends and went to get MLR which was done at 11.00 P.M. Second MLR by the same doctor at 11:05 PM shows 5 injuries and reference to Medical College.

25. Inspector Karamjit Singh has stated that the report of PGI dated 28/1/2020 says that is for purposes of medical treatment only. Nonetheless it is a fact that he was treated at PGIMS, Rohtak for the dental injury. However, it does prove that he went to PGIMS] Rohtak for treatment on reference of Doctor Harish on 26.7.2020 night to Medical College Khanpur Kalan. Though the complainant did not reach Medical College, Khanpur Kalan because as per his statement he was threatened by four persons in Santro car, which he reported in chowki that night. Besides, as per his statement he took up the matter with the District SP on 27<sup>th</sup> July itself.

26. Inspector Karamjit Singh has also produced a second opinion of the same Doctor. However, it was done much later after the complainant had already made complaints. This shows that the case was not dealt by laid down procedure and reflects deliberate attempt to bypass law. Secondly it does not seem to be relevant as there is no evidence to suggest anything of that nature. It is only an interpretation and that seems to help the accused. It is an attempt deflects the matter. When the query was put to SHO regarding installation of CCTV cameras in police station it was surprising to know that there were no CCTV cameras installed in the PS which could have been the best evidence on the part of the SHO to rebut the allegations of the complaint. As per the report of SP, Sonapat CCTV cameras installed in the police station were not in working condition.

27. It is also surprising to note that on the complaint of Smt. Manoj Kumari which contained serious charges like rape on which Dheeraj was called, no FIR was lodged. Further, the whole matter was settled with 3&4 hours.

28. Statement of witnesses of the complainant namely Jai Bhagwan and Dheeraj alleged beatings were given to Suraj Mor, by the Inspector and others while statement of police Inspector ASI Jagbir, Santosh Kumari, Manoj Kumari

and 3 others deny any such occurrence. The independent witnesses Ajay & Raj Kumar produced by SHO Karamjit said that beatings were not given in their presence. They have signed identical statements which they told had been procured from them. Here it is important to note the two independent witnesses produced by police state that they did not witness any beating but read about it in the newspaper next morning.

29. Statement of Smt. Manoj Kumari that she saw Suraj Mor in a drunken position, who was arguing at the gate with the sentry/police officials is incorrect because she was sitting with L/ASI Santosh Kumari in a room and how could she see this all happening at the gate.

30. The SHO Inspector Karamjit Singh and ASI Jagbir Singh stated that Suraj Mor was released at about 10:30 P.M. after he submitted an apology. However, the apology letter produced by the police and is on record is dated 27.7.2021 one day after the incident. Suraj Mor has also alleged that the signature on the letter are not his. When seen with bare eyes, the signatures do not seem match with his. This shows that police tried to place this doubtful document/paper to cover their story after Suraj Mor had complained the next day to the SP of the District.

31. The counsel for Inspector Karamjit Singh while putting forth his arguments tried to suggest that Suraj Mor had deliberately got second MLR done to frame the police. The question is why would he do that? Why would he run pillar to post after the incident unless he was truly aggrieved. The counsel also emphasized that Manoj Kumari and Suraj Mor had met each and were in contact. However, during the hearing neither Manoj Kumari nor police could establish that there is any evidence of their having met earlier or called each other on phone. Moreover, this issue is irrelevant and has no bearing on the issue in the complaint.

32. Inspector Karamjit Singh had requested that matter be stayed by the Authority as an application has been moved by Dheeraj dated 20.8.2021 in court of SDJM, Gohana. However, the application has been moved by Dheeraj and not Suraj Mor about his own issue. Therefore, the Authority is not debarred from hearing the complaint. The complaint has taken up his own cause and grievance and not that of Dheeraj. Therefore, the Authority is within its jurisdiction to hear the case.

33. An important issue of jurisdiction of Police Station Sadar Gohana has been raised by Suraj Mor. It has been noted that police station Sadar Gohana is located in jurisdiction of Police station Gohana City. Therefore, any offence committed in its location should have been referred to City Thana and by that logic in case of Suraj Mor who allegedly was drunk and was arguing with the police personnel at the gate should have been referred to City Thana.

34. Since there was no DDR or complaint or a FIR against Suraj Mor what was the need to keep him in police station till 10 pm. What was his offence? It raises important issue of illegal detention, which has been proven.

35. The statement of the Inspector Karamjit Singh says that he was present in the police station for a short time only and had given directions to ASI Jagbir for getting a medical done and marked the case complaint of Manoj Kumari to ASI Santosh Kumari and had left the station is not correct because the call details show that he was very much present at the police station throughout till 8:12 pm. Shri Karamjit Singh said that he does not know Manoj Kumari and that prior to date of the incident he had not been in touch with her. However, the call records show that there was exchange of calls between them earlier to the date of occurrence also. Admittedly she is from his native village Lath. Therefore, the misstatement of facts before the Authority that he was not in touch with her and did not know her is very serious. He conceded later after the call records were received that since she was from his village, she had spoken with her with reference to some known persons. This also proves that there was a hurry to settle the case of Manoj Kumari and Dheeraj. Moreover, as per statement of Inspector Karamjit, Manoj Kumari and her brother met him outside the police station in the afternoon of 26.7.2021 and he asked her to submit her complaint in the police station. Also, as per his statement, the written complaint was submitted at 6.00 P.M. in the evening time. However, it is strange that the phone call was made at 2.30/3.00 pm by L/ASI Santosh Kumari to Dheeraj to come to the police station regarding a complaint against him.

36. As per report of SP, Sonapat dated 24.9.2021, Sh. Jagbir Singh, ASI & L/ASI Santosh were issued show cause notice in connection with the complaints of Sh. Suraj Mor and Manoj Kumari and give warning to be careful for irregularities. The later event of sending a constable with Dheeraj to get his valuables and settlement of the complaint by the evening i.e. within a very short period is not a normal functioning of a police station. The chain of events does not show that the case was handled as per procedure of law. The fact that the disciplinary action by Police Department was taken against ASI Jagbir Singh and Santosh Kumari proves this.

37. Inspector Karamjit Singh has said in his statement that he has marked the complaint of Manoj Kumari to L/ASI Santosh Kumari and directed ASI Jagbir to deal with the issue of Suraj Mor and he is not aware of the outcome of these two directions. It seems to be an attempt to put responsibility on his juniors and thus save him from the consequences. His argument that he is only a supervisory authority is only a lame excuse. He has to be accountable for all happenings at PS. He tried to project that he was away the whole day is not correct. Karamjit Singh made a statement before the Authority that he had received a call at about 7.30 PM about a murder having taken place and he had left at 7.30 PM. However, this is also not true because the call records say that he was very much present till 8.12 P.M. and the time of occurrence of murder is 7.30 P.M. itself. Authority has taken serious note of misstatement of facts before it which casts an adverse reflection on his conduct and amounts to misconduct.



38. So, keeping in view all the circumstances as explained above, the Authority has come to the conclusion that there was violation of basic principles of liberty, justice, fairness and breach of all laid down procedures. Inspector Karamjit Singh, then SHO Gohana abused his powers, used physical force to commit excesses and beat Suraj Mor, who had no FIR or DDR pending against him and was only a visitor in the police station. The charge of drunkenness on part of Suraj Mor does not stand proven but even if he felt that he was under the influence of liquor, yet it gave no right to Police to use force or to beat him or to detain him. Moreover, as an SHO, he has to take responsibility for all the happenings along with others.

39. Therefore, the Authority recommends suspension and strict departmental action against Shri Karamjit Singh, SHO Inspector, the then PS Sadar Gohana for using unwarranted use of force and misuse of his powers. Any other action, which the Government deems fit and proper in the circumstances of the case, may also be taken.

Sd  
R.C. Verma  
Member

Sd  
K.K. Mishra  
Member

Sd  
Mrs. Navraj Sandhu  
Chairperson

The inquiry report submitted by the department is placed before the Committee in its meeting held on 28.06.2022. After detailed discussion, the Committee satisfied with the inquiry report and decided that the petition/representation is disposed off.

**13. PETITION/REPRESENTATION RECEIVED FROM MRS. LOVELY, HOUSE NO. 84 GREEN ENCLAVE, DAUN DISTRICT SAS NAGAR (MOHALI) REGARDING REQUEST FOR INVESTIGATION INTO THE SCAMS OF ANOOP KUMAR GACHLI, DISTRICT MANAGER, HARYANA AGRO INDUSTRIES, BAY 15-20 SECTOR 4, PANCHKULA, WHICH READS AS UNDER: -**

To

The Hon'ble Speaker,  
Haryana Vidhan Sabha,  
Chandigarh.

**Sub: - Request for investigation into the scams of Anoop Kumar Gachli, District Manager, Haryana Agro Industries, Bay 15-20 Sector 4, Panchkula.**

Sir,

I am Mrs Lovely R/o #84, Green Enclave, Daun SAS Nagar (Mohali). I am wife of Shri Anoop Kumar Gachli who is working as District Manager, Haryana Agro Industries, Bay 15-20, Sector 4, Panchkula.

2. Mr Anoop Kumar Gachli is a corrupt officer. He is involved in scams amounting to about 10 crores of rupees. He had been in Ambala jail for about 3-4 months. He has remained District Manager in various districts of Haryana e.g. Ambala, Panipat, Barwala, Jind, Sirsa, Gurgaon, Kurukshetra. He has been taking bribe every where and he has done many scams there.
3. FIR No. 344 dated 26.12.2015 u/s 406, 420 IPC was registered against Mr Gachli in Police Station Naraingarh (Ambala) for embezzlement/ criminal breach trust of paddy while he was district manager Haryana Agro Industries Corporation Ambala City. This case is under trial in Court after challan.
4. Another FIR No. 205 dated 04.09.2018 u/s 406, 420 IPC was also registered against him at Police Station Ambala Sadar. It was lodged by the Haryana Agro Industries Corporation for paddy scams. This matter is still pending in Crime Branch Haryana.
5. A large number of other criminal cases are pending investigation against Mr Gachli.
6. The Departmental had suspended Mr Gachli, but he has been reinstated into service.
7. The Conduct Rules/Punishment and Appeal Rules in this connection are very clear. A Government servant against whom criminal cases are pending in the Court cannot be reinstated into Government Service. But due to his corrupt nature, Mr Gachli managed every thing and was reinstated into service with the result that he is still indulging in his corrupt practices, making huge properties in his name and in other names.
8. There is no doubt that a corrupt officer of such a rank cannot be allowed to remain in Government service. But the officers are managed and he is working as such in spite of the fact that a large number of FIRs/Criminal cases are pending against Mr Gachli.
9. I have repeatedly made detailed complaints to the Chief Secretary, Government of Haryana, but no action seems to have been taken against Mr Gachli so far due to his political influence.
10. You are, therefore, requested to please enquire into the matter as how Mr Gachli is reinstated into service and has been allowed to function as a District Manager.

I look to an early response.

Thanking you,

Yours faithfully,

-Sd-

(Mrs Lovely)

# 84, Green Enclave,  
Daun District SAS Nagar (Mohali)

The Petition/Representation was placed before the Committee in its meeting held on 17.12.2019 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 15 days. The Committee orally examined the departmental representatives and petitioner/ applicant in its meeting held on 1.08.2020. The departmental representatives sought time for re-check the matter. The Committee received a reply from the concerned department, which reads as under: -

To

Secretary,  
Haryana Vidhan Sabha Secretariat,  
Chandigarh.

**Subject: -Regarding request for investigation into the scams of Anoop Kumar Gachli, District Manager, Haryana Agro Industries Corporation, Bays 15-20,**

R/Sir,

Kindly refer to your office memo No. HVS/Petition/668/2019-20/7676 dated 19.04.2021 on the subject cited above.

Please find enclosed herewith the latest status report as on 14.06.2021 (1 to 9) of the Criminal cases & Disciplinary cases in respect of Sh. Anoop Kumar Gachli, District Manager, HAIC, Panchkula.

This is for your kind information and further action in the matter.

Thanking you,

Encl:- As above.

Yours faithfully

-Sd-

Superintendent  
for Managing Director

**Status report of Criminal cases & Disciplinary cases as on 14.06.2021 in respect of Sh. Anoop Kumar Gachli, District Manager, HAIC, Panchkula.**

**FIR Criminal Cases**

Sr No.	Name of the Accused	FIR & Date	Allegation	Status
1	Sh. Anoop Gachli, District Manager, Sh. Pardeep Kumar Prop., Shiv	0344 dated 26.12.2015 U/s 406/420 IPC in Police Station,	KMS 2015-16 Misappropriation of 6157.48 MT paddy amounting to Rs.	* Sh. Anoop Gachli, District Manager, FSC, Ambala alongwith nine accused were arrested in this case. After

	Shankar Rice Mill, Badhauli & others.	Naraingarh	10,445,52,344/-, gunny bales amounting to Rs. 18,41,200/-, 583 wooden crates amounting to Rs. 2,33,200/- and 50 poly covers amounting to Rs. 1.50 lac. Total loss= Rs. 10,66,76,744/-	investigation the police have presented challan in the Court. The matter is in the court and next dated has been fixed for 17.09.2021  * Disciplinary action is under consideration. The status is available in the list of disciplinary cases mentioned at Sr. No. 3 below.
2	Sh. Anoop Gachli, District Manager, Sh. Baljinder Singh S/o Sh. Madho Singh M/s Gagan Rice Mill, Ambala	Case No. 205 dated 04.09.2018 U/s 406/420 IPC registered in Thana Sadar, Ambala.	KMS-2014-15  An FIR No. 205 dated 04-09-2018 was registered with the PS Ambala against M/s Gagan Rice Mill for not delivering the 1043 MT CMR plus cost of gunny bags. Cost of wooden crates and interest thereon @ 11.83% p. a. Total cost of which come to Rs. 5,39,50,364/-	* FIR No. 205 dated 04.09.18 u/s 406,420 of IPC Police Station Ambala Sadar has been lodged against M/s Gagan Rice Mill. After investigation by the Police Department, in this case, Sh. Anoop Gachli was found responsible. Police has also filed challan in the Court at Ambala but no date has been fixed so far by the court.  * In the disciplinary proceedings against Sh. Anoop Gachli Sh. R. C. Sharma, HCS (Retd.) has been appointed as an Inquiry Officer vide order No 6777-80 dated 27.04.2021. Inquiry report is awaited.
3	Sh. Anoop Gachli, the then DM, FSC, Sirsa	Draft FIR duly vetted by the Legal Advisor and approved by the MD, HAIC in case of misappropriation of 100 No. gunny bales has been sent to Dm, FSC, Sirsa for loading FIR with the Superintendent of Police Sirsa against Sh. Anoop Gachli and others vied this office letter No EA-III/2020/2720 dated 25.08.2020.	An FIR against Sh. Anoop Gachli the then, Dm, FSC, Sirsa and others for misappropriation/ embezzlement of 100 No. gunny bales amounting to Rs. 20,37,100/- is being lodged with the Superintendent of Police, Sirsa by the District Incharge, FSC, Sirsa	*Preliminary inquiry in this matter was conducted by Sh. V.P. Batra, IAS (Retd) wherein he has proved that 100 nos. jute gunny bales have been misappropriated/ embezzled valuing Rs. 20,37,100/- and he submitted his report on 30.04.2015. The order to issue the charge sheet were issued by the then MD on dated 10.01.2018 and order for lodging the FIR were also passed on 05.06.2018 by the then MD but no compliance was made by the office.  * Consequently, it has been reviewed now and FIR has been ordered immediately, which has been sent to the Incharge, Sirsa

				<p>office on 25.08.2020 and charge sheet has been issued vide Memo dated 12.11.2020.</p> <p>*The Incharge, FSC, Sirsa further has written to Superintendent of Police, Sirsa to lodge the FIR against Sh. Anoop Gachli, the then DM, Sh. Yogesh Kumar, Asstt. Acctt. and others of Haryana Agro Industries Corporation Ltd for embezzlement of 100 nos. Jute gunny bales amounting to Rs. 20,37,100/-. The Incharge, FSC, Sirsa has informed that the Police is investigating the matter.</p> <p>* It is pertinent to mention here that a complaint No. CMOFF/N/2017/145119 made by Sh. Chunni Dass in this regard is also under action on CM Window Portal. This matter was delayed for want of lodging FIR in this case and a DO letter No. EA-I/2021/7486 dated 12.02.2021 to lodge the FIR. The above status was uploaded CM Window. on Thereafter, the matter was again discussed in CM Window Review Meeting on 08.04.2021, the non-receipt of any reply from Superintendent of Police, Sirsa was apprised. Thereafter, this complaint is additionally marked to Director General of Police by the CM Office on 15.04.2021.</p> <p>* Further, in the departmental disciplinary action against Sh. Anoop Kumar Gachli has been initiated and Sh. Balwan Singh, IAS (Retd.) has been appointed as Inquiry Officer vide order No. EA-I/2021/547- 50 dated 22.04.2021. The inquiry report is awaited.</p>
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It is submitted that to decide disciplinary cases, the following procedure is adopted: -

- While a default/misappropriation comes into notice of the authority, the draft charge sheet is asked from the concerned office/branch.
- On receipt of draft charge sheet, after examining the same and after getting it signed by the Competent Authority, it is issued to the delinquent to submit his reply within 15/21 days from the receipt of the charge sheet.
- Consequent on receipt of reply from the delinquent, it is examined. On finding it an inquiry officer is appointed to conduct a regular departmental inquiry with the request to submit his report normally within six months. On receipt of inquiry report it is sent to the delinquent for filing his objections on the findings of the inquiry officer within one month.
- On receipt of objections/reply from the delinquent, the quantum of punishment is decided and a show cause notice for the proposed punishment is issued to the delinquent to submit his reply within 30 days.
- After receipt of reply to the show cause notice, a personal hearing is afforded to the delinquent and after personal hearing the final order of awarding the punishment is issued to the delinquent.
- Approximately in all cases, aggrieved with the punishment awarded, the delinquent files an appeal before the BOD which is finally decided by BOD.
- The above process to complete the prescribed procedure to decide the disciplinary cases as per Punishment and Appeal Rules takes a considerable time

#### **Disciplinary Cases**

<b>Sr. No.</b>	<b>Charge sheet No. &amp; date</b>	<b>Detail of Charges levelled</b>	<b>Latest status</b>
1	No 1657-60 dated 31.05.2016	That Sh. Anoop Gachli, the then DM, FSC, Pipli in connivance with Sh. Gurbax Singh, SK, FSC, Pipli is responsible for the loss of Rs.4,84,500/- caused on account of replacement/ supply of 50,000 Nos. 'A' Class bardana with 'B' Class bardana as returned to FCI Kurukshetra against one lac bags of 'B' class bardana taken on loan basis during 2013-14.	<p>The matter was decided vide order issued vide No. EA-I/2018/1263-67 dated 07.5.2018, awarding a punishment of withholding of five increments with cumulative effect alongwith the recovery of 50% of total loss which come to Rs. 2,42,250/-</p> <p>Aggrieved with the above order Sh. Anoop Gachli filed an appeal before the BOD on 31.05.2018. Simultaneously, Sh. Anoop Gachli filed a CWP No. 15383 of 2020 before the Hon'ble Punjab &amp; Haryana High Court stating therein that he has been awarded a major punishment of withholding five increments with cumulative effect and a recovery of Rs. 2,42,250/- i.e. 50% of the total loss caused to the Corporation. The Hon'ble</p>

			<p>High Court decided the matter on 25.09.2020. The operative part of the order is as under: -</p> <p>"In the wake of the above and without commenting upon the merits of the case the petition is disposed of with a direction to respondent No.2 (Appellate Authority) that is in seizin of the appeal, to consider and decide the same within two months from today and in accordance with law.</p> <p>Needless to assert that if in the meanwhile, aggrieved by the recovery. sought to be effected during the pendency of the appeal, the petitioner moves any application for interim relief, the same shall be considered and dealt with by the competent authority, in accordance with law."</p> <p>Accordingly, the matter was placed before the BOD in its meeting held on 11.11.2020.</p> <p>The Board, after detailed deliberations, decided to continue to implement the order dated 07.05.2018 of the MD awarding punishment of withholding of five increments with cumulative effect alongwith the recovery of 50% of the total loss, which come to Rs. 2,42,250/-,</p> <p>According to the decision on appeal of Sh. Anoop Gachli taken by the Board in its meeting held on 11.11.2020, a speaking order as follow up of Hon'ble High Court directions has been issued vide No. EA-1/2020/5192 dated 23.11.2020.</p>
2.	No. 10925-26 dated 29.12.2016	That Sh. Anoop Gachli being District Manager/ Incharge is responsible for 30% of the total loss of 2193.31 qtls Wheat on account of less moisture gain than the norms amounting to Rs. 32,60,794/-, which comes to 659.99 qtls amounting to Rs. 9,78,249/- noticed in the delivery of 4,33,110.34 qtls of wheat stocks of Rabi Crop Year 2009-10 to FCI.	<p><b>Decided</b></p> <p>The matter was decided vide order issued vide No. EA-1/2017/9387-91 dated 07.11.2017, awarding a punishment of S stoppage of three annual increments with cumulative effect alongwith the recovery of 50% of total loss which comes to Rs. 9,78,239/-. The recovery of financial loss caused to the corporation will be made @ 1/3 of the salary/dues. Aggrieved with the above order Sh. Anoop Gachli made an appeal before the BOD on 24.04.2018.</p> <p>The appeal of the delinquent was put up before the Chairperson on file whereon at 'X' it was mentioned that in the present case the punishment was awarded vide order dated 07.11.2017 and the appeal has been made on 24.04.2018 i.e. after a lapse of a period of about 165 days as against the prescribed period of 45 days in normal time. Therefore, the appeal filed by</p>

			<p>Sh. Anoop Gachli is time barred. The then Chairman ordered that Sh. Gachli be informed as proposed at 'X' above.</p> <p>The above decision was informed to Sh. Anoop Gachli vide No. Supdt(A)/2018/ 1262 dated 07.05.2018.</p> <p>Sh. Anoop Gachli filed a CWP No. 14777 of 2018 before the Hon'ble Punjab &amp; Haryana High Court. The Hon'ble High Court vide order dated 16.07.2018 decided as under:-</p> <p>"Learned counsel for the petitioner has referred to the judgment passed by this Court in Haryana Food and Supplies Field Staff Association and others vs. State of Haryana and others, CWP No.11041 of 2001 (decided on 20.01.2015), whereby it has been held that the employee cannot be held liable for moisture in the storage of grain. Notice of motion for 25.10.2018. In the meantime, recovery proceedings initiated by the respondents shall remain stayed.</p> <p>The next date of hearing in this case is 18.08.2021.</p>
3	No. 7233-36 dated 08.09.2018	<p>That Sh. Anoop Gachli being District Manager/ Incharge, is responsible for 30% of the total loss of 633.04 qtls. wheat on account of less moisture gain than the norms; amounting to Rs. 4,86,235/-. His share comes to 189.912 qtls. amounting to Rs. 1,45,871/-, noticed in the delivery of 90315 qtls of wheat stock of Rabi 2012-13 &amp; Rabi 2013-14 to Food Corporation of India during the period from October, 2013 to December, 2014.</p>	<p><b>Decided</b></p> <p>The matter was decided vide order issued vide No. EA-I/2019/8020-24 dated 27.12.2019, awarding a punishment of withholding of one annual increment with cumulative effect alongwith the recovery of Rs. 1,45,871/- The recovery of financial loss caused to the Corporation will be made @ 1/3 of the salary/dues.</p> <p>Aggrieved with the above order Sh. Anoop Gachli filed an appeal before the BOD on 28.01.2020.</p> <p>The appeal of the delinquent was placed before the BOD in its meeting held on 15.12.2020.</p> <p>The Board after detailed deliberations decided to continue to implement the order No. EA-1/2019/8020-24 dated 27.12.2019 of the MD awarding him the punishment of withholding of one annual increment with cumulative effect alongwith the recovery of Rs. 1,45,871/-</p> <p>Accordingly, the decision of the Board, taken on the appeal of Sh. Anoop Gachli, in its meeting held on 15.12.2020 has been conveyed to him vide letter No. EA- I/2021/6770-73 dated 22.01.2021.</p>



4.	No. 10212-15 dated 26.11.2018	He is responsible for excess payment of 717.50 qtls paddy amounting to Rs. 11,34,618/- to M/s Anil Kumar, Robin Kumar, Commission agent, Ambala City	<p>* The matter has been decided. A of punishment of recovery of Rs.11,34,618/- alongwith interest as per rules has been awarded vide order No. EA-I/2021/354 dated 02.04.2021.</p> <p>*Sh. Anoop Kumar Gachli aggrieved with the above order has filed an appeal dated 07.05.2021 before the BOD requesting therein to direct the MD to stop the recovery from his salary and file the punishment order.</p> <p>* The appeal of Sh. Anoop Gachli will be placed before the BOD in its ensuing meeting.</p>
5	No.13300 dated 12.02.2013	<p>1. He did not submit differential claims of Bajra for KMS 2008-09 of Uklana, Hansi, Barwala &amp; Adampur Mandies, which has resulted into a loss of 1.28 crores on account of interest. The matter was also pointed out by the A.G. Audit party by raising a para.</p> <p>2. He is responsible for causing inordinate delay in lodging the differential claims of Bajra KMS 2008-09 of Uklana, Hansi, Barwala &amp; Adampur Mandies, which has resulted into a loss of Rs. 6,59,43,000/- (Rs. six crore fifty nine lacs forty three thousand only) approximate on account of amount of differential claims of Rs. 509.34 lacs plus Rs. 150.09 lacs approximate as interest upto November 2012, to the Corporation.</p> <p>3. He did not perform his duties satisfactorily by not persuading the Mandi Inspector to complete the incidental Claims and file them with FCI.</p>	<p>Sh. R.P. Bhasin, Distt &amp; Session Judge (Retd.) in his inquiry report dated 13.08.2014 concluded that the charges are proved. The representation made by Sh. Anoop Gachli on the inquiry report has been considered. He was also allowed personal hearing by the then Competent Authority on 07.01.2019. His representation given during personal hearing to the MD was considered. He was also granted personal hearing by the Worthy MD 10.03.2021. During on personal hearing on 10.03.2021 Worthy MD noticed that this is bunch case and six employees are involved in this case. Worthy MD desired that the complete case of six employees be put up so that it could be decided in a lot. Status of all the cases has been submitted for consideration of higher authorities.</p>
6.	NO. 5429-32 dated 15.07.2016	1. That he is responsible for dereliction of duties as District Manager for non-compliance of the general	Sh. V.K. Verma, Joint Director Prosecution (Retd) in his inquiry report dated 24.7.2017 concluded that charge No. 1 to 3 are proved and charge No.

		<p>instructions/ guidelines issued by the Additional Chief Secretary to Government Haryana, Food &amp; Supplies Department for the Kharif Marketing Season (KMS)- 2015-16 on 11.09.2015 and revised set of instructions and guidelines for KMS 2015 issued vide letter dated 21.09.2015, which were forwarded by the Head office of the HAIC vide letter dated 22.09.2015 for strict compliance.</p> <p>2. That he is responsible for not carrying out the inspection of the premises of the Rice Mill of M/s Shiv Shankar Rice Mill, Badhauri, District Ambala before allotment of paddy in compliance with the revised set of information and guidelines dated 21.09.2015 issued by the Additional Chief Secretary to Government Haryana, Food &amp; Supplies Department.</p> <p>That he is responsible for allotment of excess paddy of 1328 57 MT than the maximum prescribed limit of 5000 MT in violation of the information and guidelines dated 21.09.2015 for KMS 2015-16 issued by the Additional Chief Secretary to Government Haryana, Food &amp; Supplies Department.</p> <p>4. That he, in violation of the clause. 5 (vii) of the information &amp; guidelines dated 21.09.2015, failed to collect a pictorial chart/sketch depicting the position. of the stacks, stack No. with the number of bags in each stack from Mis Shiv</p>	<p>4, 5 &amp; 6 did not prove against Sh. Gachli. After examination of his representation on the inquiry report, he was heard in person by the MD but no order could be passed. The present MD allowed him personal hearing on 10.03.2021.</p> <p>1. During personal hearing it has been observed that the Inquiry Officer has proposed some responsibility in form of serious lapses. Thus, in this case, less security received from miller to be recovered with interest.</p> <p>2. However, major issue is that no rice was received back and thus 100 crore loss to HAICL from 28 millers. Inquiry Officer to fix the responsibility of CMR cases has been appointed in January, 2021. He has been requested to submit his report at the earliest. Thus, final order will be passed after receipt of Inquiry Officer's report.</p>
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		<p>Shankar Rice Mill, Badhauli which resulted into misappropriation of paddy and other stock articles by the said miller</p> <p>5. That he is responsible for not conducting the joint physical verification of the paddy stocks on a fortnightly basis in the premises: of M/s Shiv Shankar Rice Mill, Badhauli, in compliance of the information &amp; guidelines dated 21.09.2015 issued by the Additional Chief Secretary to Government Haryana, Food &amp; Supplies Deptt., which were forwarded by the Head office of the HAIC vide letter dated 22.09.2015 for strict compliance. Non-compliance of the information &amp; guidelines dated 21.09.2015 resulted misappropriation of the paddy stocks: and store articles in-connivance with the said Rice Miller.</p> <p>6. That he failed to get the delivery of CMR rice from M/s Shiv Shankar Rice Mill Badhauli as per the schedule fixed by the Govt and the said Rice Miller had not delivered any rice during his tenure That the said Rice Miller has misappropriated the stocks of paddy and stock articles as detected during physical verification carried out by the Committee constituted by the Deputy Commissioner, Ambala on 17.12.2015 amounting to Rs. 10,66,76,744 which he had committed in connivance with the said Rice Miller</p>	
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7	No. 13870 dated 14.12.2005	<p>1. He proceeded on leave without getting permission from the Competent Authority on 24.06.2005 and left the management in embarrassed situation by not loading wheat stock of crop year 2003-04 in special on 25.06.2005 during the schedule time at Sirsa. He was particularly told by the then CAO/Incharge Wheat Branch not to leave the headquarters without getting the special loaded. Thus, he behaved in a very irresponsible manner as a result the FCI made the deductions due to quality cut, underweight, demurrage, overtime allowance of labour and carryover charges amounting to Rs. 31,75,198/-</p> <p>2. He released an advance of Rs.1,50,000/- to Sh. Hanuman Singh, MI for payment to the labour against segregation/up gradation work. Before releasing the amount, he should have physically verified the stock. He released the above amount for payment to labour for upgrading 80000 bags whereas actually only 50000 bags of wheat were upgraded and those too were under weight.</p> <p>3. While posted at FSC, Rohtak with additional charge of FSC, Hisar, he was neither available at Hissar nor at Rohtak on 13.09.2005 and 14.09.2005, meaning thereby that he was not regularly maintaining his headquarter.</p>	<p>* Sh. M.P. Singh, DGM in his inquiry report dated 25.10.2010 concluded that charge No. 1 is proved and charge No. 2 &amp; 3 are not proved against Sh. Anoop Gachli. The inquiry report was accepted. The case has been decided vide order No. 4896 dated 14.11.2020 by awarding a punishment of warning to be more careful in future alongwith recovery of Rs. 30,65,914/- with interest @ CCL limit</p> <p>*Aggrieved from the above order Sh. Anoop Gachli approached to Hon'ble High Court through CWP No. 5126 of 2021 (O&amp;M) which was decided on 10.03.2021. The Hon'ble High Court directed that further recovery from the petitioner shall remain stayed and further course of action would be dependent on the outcome of the final order that may be passed by the appellate authority. The appeal is to be decided within three months from the date of receipt of order.</p> <p>* Sh. Anoop Gachli has made an appeal in the BOD. The appeal of Sh. Anoop Gachli was placed before the BOD in its meeting held on 06.04.2021. The appellant during hearing requested for independent inquiry in the matter. The BOD considered and directed the MD to appoint an independent inquiry officer from the list of empaneled inquiry officer and submit the report to BODS in one month so that BODS can rule out the ambiguity in interpretation and decide within the time period as directed by Hon'ble High Court.</p> <p>Accordingly, Sh. R.R. Bainswal, IAS (Retd.) has been appointed as an Inquiry Officer to inquire into the matter and submit his report within one month. The final decision will be taken in the matter on receipt of the inquiry report.</p>
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8.	No. 2987 dated 04.06.2015	During the year 2012, a rake of fertilizer was received from Kribhco at Kurukshetra on 29.02.2012, Sh. Anoop Gachli being the District Manager of FSC, Kurukshetra, failed to execute his duties prudently to deduct the shady transaction and allowed Sh. Narender Kumar, District Manager (Retd.) to raise the anti-dated bills amounting to Rs.1.40 Crore without any supporting documents, which resulted into refusal of payment by the dealer M/s Viren Fertilizer, Babain. He is, therefore, responsible for the loss of Rs.1.40 Crore sustained by the Corporation.	Sh. R.R. Banswal, IAS (Retd.) in his inquiry report dated 25.04.2016 concluded that the charge of lack of supervision is proved against Sh. Anoop Gachli. His connivance with other official/officer for the loss is not proved. His representation, submitted during course of personal hearing, is under examination. It is bunch case. In the case six persons are involved. Two cases are decided and for remaining four cases the matter has been submitted for consideration and orders of the Competent Authority.
9.	N0. 3757-60 dated 09.07.2018	He, being Distt. Manager/ Incharge, is responsible for 30% share of total less gain of Rs. 5,79,545/- noticed in the delivery of wheat to FCI in the crop year 2016-17, which comes to Rs. 1,73,863/-.	<p>* Sh. V.K. Verma, Joint Director Prosecution (Retd.) has been appointed as Inquiry Officer to conduct the regular departmental inquiry in the charge vide order dated 15.02.2019.</p> <p>* Sh. Anoop Gachli filed CWP No. 14777 of 2018 titled as Anoop Gachli V/s State of Haryana &amp; Another. The Hon'ble High Court vide order dated 16.07.2018 ordered as under:-</p> <p>"Learned counsel for the petitioner has referred to the judgment passed by this Court in Haryana Food and Supplies Field Staff Association and others vs. State of Haryana and others, CWP No.11041 of 2001 (decided on 20.01.2015), whereby it has been held that the employee cannot be held liable for moisture in the storage of grain.</p> <p>Notice of motion for 25.10.2018.</p> <p>In the meantime, recovery proceedings initiated by the respondents shall remain stayed."</p> <p>The Inquiry Officer appointed in this case observed and expressed that the stay granted by the Hon'ble Court for the recovery may be got vacated. Accordingly Sh. Sandeep Moudgil, Advocate, Punjab &amp; Haryana High Court vide this office memo No. EAI/2020/8776 dated 29.01.2020 has been requested to file an</p>

			<p>application for vacation of stay dated 11.07.2018 against the recovery proceedings initiated by the department. <b>The next date in this case has been fixed for hearing on dated 18.08.2021.</b></p> <p>* It is pertinent to mention here that Sh. Kehar Singh, Helper (Retd.) MI-cum-SK, Pipli mandi is also co-delinquent and responsible for 70% of the total loss amounting to Rs. 5,79,545/- on account of less moisture gain than the norms. He was charge sheeted vide Memo No. EA-III/2018/3753-56 dated 09.07.2018. His share comes to Rs. 4,05,682/-</p> <p>Sh. Kehar Singh filed CWP No. 19107 of 2018 titled as Kehar Singh V/S State of Haryana &amp; Others. The Hon'ble High Court vide order dated 11.07.2018 ordered as under:-</p> <p>"Learned counsel for the petitioner prays for time to file replication to the written statement filed on behalf of the respondents. Let replication be filed with the Registry before the next date of hearing. Adjourned to 15.11.2019. Personal appearance of respondent No. 3 is exempted till further orders."</p> <p><b>The next date of hearing 14.07.2021.</b> The further action in the matter shall be taken after vacation of stay or decision of the court case.</p>
10.	No. 14684 dated 25.02.2014	He, while working as District Manager, FSC, Hisar involved the Corporation unnecessarily in avoidable legal implications by allowing 25 daily wages workers to cross 240 days in a calendar year and then violating the provisions of Sector 25 F of the Industrial Disputes Act, 1947 at the time of termination of service of these daily wages workers due to which the Corporation has suffered heavy financial loss.	Sh. V.P. Batra, IAS (Retd.), in his inquiry report dated 22.02.2016, concluded that the charges leveled against Sh. Anoop Gachli are proved. His representation on the inquiry report has been considered. The case is pending for calculation of total loss caused in this case, which is being calculated. Thereafter, the case will be submitted for final decision.
11.	No. 7873 dated 14.12.2003	He grossly derelicted in the performance of his duties as DM, FSC, Ambala in the crop year 1999- 2000, 2000-2001 and a wrongful loss of Rs. 23,05,983/- has been caused to the Corporation.	Sh. I.M. Khungar, IAS (Retd.) in his Inquiry report dated 05.08.04 concluded that the charge is partly proved. Since, a recovery suit on this issue is pending in the Civil Court and the matter is sub-judice. The charge sheet case is under process.  The matter was referred to paddy branch for sending the exact share of responsibility of Sh.

			<p>Anoop Gachli so that the show cause notice to the delinquent could be issued. But the paddy branch has informed that the extent of loss caused to the Corporation needs to be worked out because he cannot be held responsible for the entire loss suffered by the Corporation. Therefore, the paddy branch is unable to fix the share of responsibility of Sh. Anoop Gachli.</p> <p>The inquiry report has been conveyed to Sh. Anoop Gachli vide No. EA-1/2021/1043 dated 11.05.2021 to submit his representation on the findings of inquiry officer within one month. The reply is awaited.</p>
12.	No. 4841-43 dated 12.11.2020	<p>1. Sh. Anoop Gachli, DM, HQ is responsible for dereliction of his duties as District Manager, FSC, Sirsa to shift of 335 Nos. Jute bales to FSC, Pipli during the month of April, 2012 and failed to maintain the liaison to ascertain the non-receiving 100 Nos. Jute bales with the District Incharge, FSC, Pipli as well as with M/s Manjit Singh Transporter, Sirsa.</p> <p>2. Sh. Anoop Gachli, DM, FSC, Sirsa with the staff of FSC, Pipli manipulated the received of 100 Nos. jute gunny bales during October, November-2013 vide GR No. 6739 dated 31.03.2013. The above said GR NO. 6739 is issued by FSC, Pipli does not contain any Gate Pass number/Truck number/bility number as verified by the District Incharge, FSC, Pipli vide their letter No. 497 dated 17.08.2016.</p> <p>3. That Sh. Anoop Gachli, District Manager, HQ is responsible for wrong-full loss of 100 Nos. Gunny bales amounting to Rs. 20,37,100/- (Rs. Twenty Lac thirty seven thousand one</p>	<p>The delinquent submitted his reply to the charge sheet on 01.02.2021. After considering the reply of the delinquent Sh. Balwan Singh, IAS (Retd.) has been appointed as an Inquiry Officer to conduct the regular departmental inquiry in the matter while this office order Endst No. EA-1/2021/547-50 dated 22.04.2021. The inquiry report is awaited.</p>

		hundred only) and made excess transportation charges of Rs. 21,634/- (Rs. Twenty one thousand six hundred thirty four only) to transporter, caused to HAIC. loss caused (Total Rs. 20,58,734/-)	
13.	NO. 5784-86 dated 11.12.2020	<p>1. Sh. Anoop Gachli, DM, HQ is responsible for his negligence and dereliction of duties as DM, FSC, Ambala, as he failed to get delivered 1043.09 MT rice to FCI from M/s Gagan Rice Mill; Village Mirzapur, District Ambala amounting to Rs.2,75,94,254.00.</p> <p>2. That Sh. Anoop Gachli, DM, HQ is responsible for causing of total financial loss of Rs. 4,31,96,505/- which includes Rs. 2,75,94,254.00 cost of pending CMR and interest of Rs.1,56,02,251/- tentative 11.50% w.e.f. 01.10.2015 to 31.08.2020 on account of 1043.09 MT rice with held by M/s Gagan Rice Mill who did not delivered the rice to FCI within scheduled period as per terms and conditions of agreement for RMS 2014-15.</p>	<p>The official vide his letter dated 21.12.2020 sought some documents for preparation of reply. As per case file this information relates to procurement branch as the matter was taken up by that branch before issuing the charge sheet. No reply of the delinquent has been received so far.</p> <p>Sh. R.C. Sharma, HCS (Retd.) has been appointed as an Inquiry Officer vide order No. 6777-80 dated 27.04.2021. Inquiry report is awaited.</p>

The Committee orally examined the concerned department in its meeting held on 19.07.2022. The Departmental representative informed that matter is pending in Hon'ble Court, after discussion, the Committee has decided that the matter is sub-judice, the petition is disposed off.



**14. PETITION/REPRESENTATION RECEIVED FROM SH. MURARI LAL S/O SH. PRABHU DAYAL, VILLAGE SADAT NAGAR, TEHSIL KOSLI, DISTRICT REWARI. REGARDING REAPPOINTMENT ON THE POST OF WELDER-HELPER IN BHIWANI ROADWAYS WORKSHOP; WHICH READS AS UNDER: -**

सेवा में,

श्रीमान् जी,  
चेयरमैन पिटिशियन कमेटी,  
हरियाणा विधानसभा, चंडीगढ़।

**विषय:— भिवानी रोडवेज वर्कशाप में दोबारा से वेल्डर हेल्पर के पद पर कार्य पर लेने बारे में ।**

श्रीमान् जी

सविनय निवेदन यह है की हरियाणा रोडवेज के कर्मचारियों की हड़ताल दिनांक 7/12/1993 से 19/12/1993 तक चली थी। उस वक्त महाप्रबंधक ने यह आश्वासन देकर मेरे को भी वेल्डर हेल्पर काम पर लगाया था । और यह विश्वास दिलाया था कि भविष्य में हटाया नहीं जायेगा। लेकिन हड़ताल समाप्त होने के बाद के यह मामला कानूनी पेचीदगी में अटक गया।

मैंने अपनी जान को जोखिम में डालकर हड़ताली कर्मचारियों को दरकिनार करके दिन रात वेल्डर हेल्पर का कार्य किया था और मुझे 800 रुपये हड़ताल के समय का वेल्डर हेल्पर का वेतन व ओवर टाइम दे दिया था उस वक्त मैं भी भिवानी डिपो महाप्रबंधक के अधीन apprentice था मेरे सभी साथी apprentice व और बिना diploma के जो काम पर लगाये थे उनको दोबारा से सन् 2004 में एक सूची बनाकर काम पर रख लिया है। लेकिन 2004 से लेकर आज तक मेरी कार्यवाही महानिदेशक व महाप्रबंधक और हरियाणा सरकार के बीच आज तक जारी है।

मुझे RTI के माध्यम से दस्तावेज मिले हैं जिससे पता चला है कि रोडवेज महानिदेशक चंडीगढ़ ने अंतिम व 5वीं पत्र क्रमांक 4135/ए2/ई4 दिनांक 24-06-2016 को एक बार फिर से मेरे हड़ताल के कार्य के बारे में कमेंट्स मांगे थे लेकिन जवाब में महाबंधक ने स्पष्ट अपने आदेश पत्र क्रमांक 757/ईए/आरके आरके दिनांक 29/06/2016 महानिदेशक को स्पष्ट लिखित में जवाब दिया कि मैं मुरारी लाल के इससे पूर्व भी 5 बार स्पष्ट लिख चुका हू कि प्रार्थी का नाम हड़ताल के दौरान कार्य करने वाले कर्मचारियों की सूची बनाई थी इससे नाम लिखा जाये और कार्य पर लिया जाये लेकिन कार्यवाही नहीं हुई महाबंधक भिवानी ने पुनः महानिदेशक से दिनांक 10/01/2017 पत्र क्रमांक 1972 को पुनः अनुरोध किया हुआ है। फिर भी कार्यवाही नहीं हुई ।

RTI से मुझे यह भी दस्तावेज मिला है महानिदेशक ने मेरी फाईल को हरियाणा सरकार के पार्लियामेंट सैक्ट्री (परिवहन) के पास भी नौकरी के दोबारा आदेश लेने के लिये के भेजी हुई थी जिसका दिनांक 30/08/06 को फाईल के पेज नं0 44 पर यह स्पष्ट आदेश महानिदेशक को सैक्ट्री साहब ने दिये थे कि मुरारी लाल को हड़ताल के सभी लाभ दिये जाये । और दोबारा से कार्य से कार्य पर लिया जाये। मेरे साथ महानिदेशक की तरफ से ज्यादाति हो रही है मेरे साथ न्याय किया जाये। मैं अति आपका आभारी रहूंगा।

हस्ता

मुरारी लाल सुपुत्र प्रभु दयाल  
गाँव: सादत नगर,  
तहसील: कोसली जिला: रेवाड़ी

The Petition/Representation was placed before the Committee in its meeting held on 01.09.2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee received a reply from the concerned department, which reads as under: -

सेवा में,

सचिव,  
हरियाणा विधान सभा सचिवालय।

क्रमांक 4271/ए2/ई4

दिनांक 21.09.2020

**विषय:— Regarding reappointment on the post of Welder-Helper in Bhiwani Roadways Workshop.**

उपरोक्त विषय पर आपके कार्यालय के पत्र क्रमांक HVS/Petition/14/718/2020-2021/12297 के सन्दर्भ में

प्रार्थी ने निवेदन किया है कि हरियाणा रोडवेज के कर्मचारियों की हड़ताल दिनांक 07.12.1993 से 19.12.1993 तक चली थी उस समय महाप्रबन्धक ने यह आश्वासन दिया कि उसको वैल्डर हैल्पर के पद पर लगाया जाएगा और भविष्य में हटाया नहीं जाएगा। लेकिन हड़ताल समाप्त होने के बाद यह मामला कानूनी पेच में अटक गया।	प्रार्थी का यह कथन मान्य नहीं है क्योंकि प्रार्थी का चयन प्रधानाचार्य, औद्योगिक प्रशिक्षण संस्थान, भिवानी के मध्य से दिनांक 14.10.1993 से 13.10.1994 तक बतौर प्रशिक्षु वैल्डर के लिए एक वर्ष के लिए रखा गया था।
प्रार्थी अनुसार उसने अपनी जान को जोखिम में डालकर हड़ताली कर्मचारियों को दरकिनार करके दिन रात वैल्डर हैल्पर का कार्य किया था और मुझे 800/— हड़ताल के समय का वैल्डर हैल्पर का वेतन व ओवर टाईम दे दिया था। उस वक्त प्रार्थी भिवानी डिप्टी महाप्रबंधक के अधीन अप्रैन्टिस था और उसके सभी साथी अप्रैन्टिस और बिना डिप्लोमा के जो काम पर लगाये गये थे उनको वर्ष 2004 में एक सूची बनाकर कार्य पर रख लिया परन्तु मुझे आज तक नहीं रखा गया।	प्रार्थी द्वारा इससे पूर्व माननीय श्रम न्यायालय, रोहतक में दावा दायर किया गया था जिसके निर्णय में माननीय श्रम न्यायालय द्वारा प्रार्थी को कुछ भी न देने का निर्णय दिया गया था। तदोपरान्त प्रार्थी द्वारा दिनांक 25.11.2002 को पेमेंट्स एण्ड वेजिज अथोरिटी के सक्षम दावा दायर किया गया था। जिसके निर्णय में माननीय अथोरिटी द्वारा प्रार्थी को 800/— दिनांक 30.12.2003 को भुगतान करने के निर्देश दिये गये थे। अतः प्रार्थी का शेष कथन मान्य नहीं है।
प्रार्थी को आर.टी.आई. के माध्यम से पता चला कि रोडवेज महानिदेशक चण्डीगढ़ ने अन्तिम व पांचवा पत्र क्रमांक 4135/ए2/ई4 दिनांक 24.06.2016 को एक बार फिर से हड़ताल के कार्य के बारे में कमेंट्स मांगे थे लेकिन जवाब में महाप्रबंधक ने स्पष्ट लिखित से जवाब दिया कि मुरारी लाल	प्रार्थी द्वारा निदेशक राज्य परिवहन हरियाणा के आवेदन पत्र पर क्रमांक 415/ए2/ई4 दिनांक 24.06.2016 द्वारा टिप्पणी मांगी गई थी जो कि महाप्रबंधक, हरियाणा राज्य परिवहन, भिवानी के पत्र क्रमांक 2029/ईए आरके दिनांक 31.01.2017 द्वारा स्पष्ट किया गया था कि इस कार्यालय के

<p>इससे पूर्व भी 5 बार स्पष्ट लिख चुका है कि प्रार्थी का नाम हड़ताल के दौरान कार्य करने वाली सूची बनाई और कार्य पर रखने बारे कहा गया। लेकिन कार्यवाही नहीं हुई। महाप्रबंधक ने पुनः महानिदेशक से दिनांक 10.01.2017 पत्र क्रमांक 1972 को पुनः अनुरोध किया परंतु कार्यवाही नहीं हुई।</p>	<p>पत्र क्रमांक 757/ईए/आरके दिनांक 29.06.2016 के द्वारा जो सूचना भेजी गई थी, उसमें चरखी दादरी आगार द्वारा बिना रिकार्ड के अवलोकन की सूची भेजी दी गई थी।</p>
<p>आर.टी.आई से प्राप्त दस्तावेज अनुसार महानिदेशक ने प्रार्थी की फाईल को हरियाणा सरकार के पार्लियामेन्ट सैक्ट्री (परिवहन) के पास भी नौकरी के दोबारा आदेश लेने के लिए भेजी गई थी, जिसका दिनांक 30.08.2016 को फाईल के पेज न. 44 पर यह स्पष्ट आदेश महानिदेशक को सैक्ट्री साहब ने दिये थे कि मुरारी लाल को हड़ताल के सभी लाभ दिये जाये। और दोबारा से कार्य पर लिया जाये। मेरे साथ महानिदेशक की तरफ से ज्यादाति हो रही है मेरे साथ न्याय किया जाये।</p>	<p>प्रार्थी से संबंधित केस में मुख्यालय के पत्र क्रमांक 3948/ए2/ई4, दिनांक 12.12.2017 को संबंधित केस के बारे में माननीय मुख्यमंत्री जी, शिकायत निवारण कक्ष हरियाणा सचिवालय, में बताया गया कि कार्यालय द्वारा प्रार्थी के केस में अधिकारियों द्वारा अवलोकन करने उपरान्त फाईल कर दिया गया है।</p>

नोट: इस समय श्री मुरारी लाल का केस माननीय न्यायालय भिवानी में सिविल सूट न. 2530 ऑफ 2018 विचाराधीन है। यह आपको सूचनार्थ प्रेषित है।

हस्ता  
कृते: निदेशक राज्य परिवहन  
हरियाणा, चण्डीगढ़।

The Committee orally examine the departmental representatives and petitioner/applicant on dated 05.01.2021 and 26.07.2022. In the oral examination dated 26.07.2022, the Committee observed that the matter is already pending in Hon'ble Court. After brief discussion, the Committee has decided that the petition is disposed of in its meeting held on 26.07.2022.

**15. PETITION/REPRESENTATION FROM SH. RAJESH SAINI S/O SH OMPARKASH, WARD NO 5 SAINI MOHALLA, BARWALA, HISAR AND OTHERS REGARDING CANCEL THE MUTATION NO. 330 DATED 24.02.1987 MAUJA BARWALA TEHSIL BARWALA, HISAR., WHICH READS AS UNDER: -**

सेवा में,

चेयरमैन,  
याचिका समिति, हरियाणा विधान सभा,  
चण्डीगढ़।

**विषय:— राजस्व विभाग द्वारा दर्ज इन्तकाल न. 330 मौजा बरवाला तहसील, बरवाला, हिसार दिनांक 24.02.1987 को निरस्त करने बारे।**

श्रीमान जी,

निवेदन यह है कि खसरा न. 907 जमाबन्दी 1968-69 के अनुसार जिसकी मलकियत ग्राम पंचायत व कास्तकार गैर मुमकिन मन्दिर दर्ज है: डायरेक्टर लैण्ड रिकार्ड के लेटर न. (बीच का पूरा कब्जा है) 11375/11463 दिनांक 16.11.1973 द्वारा जारी किया गया जिसमें मुस्लिम समाज/इस्लाम से सम्बन्धित भूमि को वक्फ बोर्ड के नाम तबदील करने बारे आदेश दिए गए। राजस्व विभाग द्वारा ईन्तकाल न. 330 दिनांक 24.02.1987 दर्ज किया गया। जिसमें खसरा न. 907 की मलकियत ग्राम पंचायत व कास्तकार गैर मुमकिन मन्दिर भी वक्फ बोर्ड के नाम तबदील कर दिया गया। जबकि उपरोक्त पत्र न. 11375/11463 दिनांक 16.11.1973 के अनुसार सिर्फ मुस्लिम समाज/इस्लाम से सम्बन्धित भूमि ही तबदील की जानी थी जबकि सन् 1968-1969 से 2018-2019 तक की जमाबन्दी में खसरा न. 907 कास्तकार गैर मुमकिन मन्दिर दर्ज है।

आपसे निवेदन है कि राजस्व विभाग द्वारा दर्ज ईन्तकाल न. 330 दिनांक 24.02.1987 को निरस्त किया जावें। आपकी अति कृपा होगी।

धन्यवाद

प्रार्थीगण

हस्ता

राजेश सैनी पुत्र ओमप्रकाश,  
वार्ड नंबर 5 सैनी मोहल्ला,  
बरवाला, हिसार व अन्य।

The Petition/Representation was placed before the Committee in its meeting held on 12.07.2022 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee orally examined with the concerned department & petitioners on 23.08.2022. The concerned department informed to the Committee that the matter is already pending in the Civil Court. The Committee has decided that the petition is disposed off in its meeting held on 23.08.2022.

**16. PETITION/REPRESENTATION FROM SMT. MUNNI DEVI W/O LATE SHRI NASIB SINGH D-165, VILLAGE SUNDANA DISTRICT ROHTAK REGARDING GRANT OF DEATH-CUM-RETIREMENT GRATUITY AND FAMILY PENSION, WHICH READS AS UNDER: -**

सेवा में,

चैयरमेन साहब,  
याचिका समिति हरियाणा विधान सभा।  
चण्डीगढ़।

श्रीमान जी,

सवियन निवेदन है कि मैं मुन्नी देवी पत्नी स्व. श्री नसीब सिंह जिन्होंने हरियाणा रोडवेज में ड्राइवर के पद पर 1990 में ज्वाइन किया था। उनका तबादला 2009 में हरियाणा रोडवेज रोहतक कार्यालय से पंचकूला में हुआ था और पंचकूला में ड्यूटी ज्वाइन करने के बाद से ही उनका कोई अता-पता नहीं मिला। इसके बाद सरकार की तरफ से मुझे महाप्रबंधक रोहतक द्वारा monthly financial assistance दी जा रही थी और दिनांक 20.10.2021 से मेरी monthly financial assistance बंद कर दी गई है। जबकि मेरे पति की सेवा निवृत्ति दिनांक 31.05.2022 को होनी चाहिए थी। आपसे अनुरोध है कि मेरा निम्नलिखित समस्याओं का समाधान करवाएं—

1. मुझे 31.05.2022 तक नई नीति के तहत संशोधित monthly financial assistance दिलवाई जाए, जो कि मेरा पूर्ण रूप से अधिकार है।
2. स्वास्थ्य भत्ता मुझे 500 रुपये मिल रहा है, जो कि सरकार द्वारा जुलाई 2018 से 1000 रुपये दिया जा रहा है। मुझे स्वास्थ्य भत्ते की बकाया राशि दी जाए तथा 1000 रुपये महीना स्वास्थ्य भत्ता भी दिया जाए।
3. मुझे मेरे पति का G.P.F. नम्बर भी बताया जाए यदि नहीं है तो उसका कारण भी बताया जाए।

धन्यवाद

हस्ता

मुन्नी देवी पत्नी स्व. श्री नसीब सिंह,  
डी0165 गांव सुण्डाना जिला रोहतक।

The Petition/Representation was placed before the Committee in its meeting held on 28.12.2021 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. Thereafter, the Committee received a reply from the concerned department, which reads as under: -

सेवा में,

सचिव,  
हरियाणा विधान सभा सचिवालय,  
चण्डीगढ़।

क्रमांक:— 7035/ए3/ई3

दिनांक 25.07.2022

**विषय:— श्रीमति मुन्नी देवी— पेंशन केस बारे।**

उपरोक्त विषय पर आपके कार्यालय के पत्र क्रमांक HVS/Petition/805/2021/32741 दिनांक 30.12.2021 के संदर्भ में।

विषयांकित मामले में श्रीमति मुन्नी देवी पत्नी स्व. श्री नसीब सिंह द्वारा की गई शिकायत पर आपके कार्यालय द्वारा मांगी गई टिप्पणी निम्न प्रकार से है:-

क्र. संख्या	प्रश्न	टिप्पणी
1.	प्रार्थी के दिनांक 31.05.2022 तक नई नीति के तहत संशोधित मासिक वित्तीय सहायता दिलवाई जाए जो कि मेरा पूर्ण रूप से अधिकार है।	<p>श्रीमति मुन्नी देवी के पति स्व. श्री नसीब सिंह की चालक के पद पर वर्ष 1990 में जीद आगार में नियुक्ति हुई थी। दिनांक 19.08.2009 को कर्मचारी रोहतक आगार से पंचकुला आगार में स्थानांतरण होने पर कार्य ग्रहण करने उपरांत उसी दिन से लापता हो गया।</p> <p>श्रीमति मुन्नी देवी द्वारा माननीय उच्च न्यायालय में दायर CWP No. 3566 of 2014 के निर्णय दिनांक 19.05.2015 की अनुपालना में तत्कालीन सरकार की हिदायतों अनुसार इस कार्यालय के आदेश क्रमांक 20/42-2016/ ए7/ई3 दिनांक 05.02.2016 द्वारा कर्मचारी की पत्नी को दिनांक 19.05.2015 से 24.10.2021 तक मासिक वित्तीय सहायता प्रदान की गई है।</p> <p>सरकार के यदि क्रमांक 1/58/2017-1टी(II) दिनांक 27.02.2008 की पालना में श्रीमति मुन्नी देवी को (दिनांक 19.08.2009 से लापता हुए श्री नसीब सिंह, चालक) दिनांक 19.08.2009 से 18.05.2015 तक मासिक वित्तीय सहायता के एरियर का भुगतान कर दिया गया है।</p> <p>उपरोक्त अनुसार दिनांक 19.08.2009 को लापता होने के समय कर्मचारी की आयु 45 वर्ष होने के कारण नियमानुसार उनकी पत्नी श्रीमति मुन्नी देवी को 12 वर्ष तक दिनांक 19.08.2009 से 19.08.2021 तक मासिक वित्तीय सहायता दी जानी बनती थी परंतु श्रीमति मुन्नी देवी को मासिक वित्तीय सहायता का भुगतान दिनांक 19.08.2009 से 24.10.2021 तक कर दिया गया है, जिस कारण उनको 2 माह 5 दिन 81,553/- रुपये की अतिरिक्त मासिक वित्तीय सहायता प्रदान की गई थी जिसकी रिकवरी खजाना अधिकारी द्वारा प्रति माह 16,312/- रुपये की 5 किस्तों में रिकवरी करने के उपरान्त दिनांक 20.08.2021 से पारिवारिक पेंशन जारी कर दी गई है।</p>
2.	स्वास्थ्य भत्ता मुझे 500/- रुपये मिल रहा है जाकि सरकार द्वारा जुलाई 2018 से 1000/- रुपये दिया जा रहा है। मुझे स्वास्थ्य भत्ते की बकाया राशि दी जाए	<p>हरियाणा सरकार के हिदायतों अनुसार दिनांक 01.05.2018 से स्वास्थ्य भत्ता 500/- रुपये से बढ़ाकर 1000/- रुपये दिया जाए जा रहा है। किंतु NIC द्वारा Ex-gratia केंसों में मासिक वित्तीय सहायता प्रदान किए जाने हेतु online e-salary</p>

	तथा 1000/- माह स्वास्थ्य भत्ता दिया जाए।	partial update न होने के कारण स्वास्थ्य भत्ता 500/- ही प्रदान किया जा रहा था। E-salary software में दिनांक 31.12.2021 को स्वास्थ्य भत्ता 1000/- रुपये update किया गया है। श्रीमति मुन्नी देवी को दिनांक 01.05.2008 से बकाया 500/- रुपये प्रति माह स्वास्थ्य भत्ते की राशी 21,000/- रुपये के एरियर का भुगतान दिनांक 25.07.2022 को कर दिया गया है।
3.	प्रार्थी ने अपने पति का जीपीएफ नंबर भी बताने बारे अनुरोध किया गया है।	श्री नसीब सिंह, चालक की प्रथम नियुक्ति दिनांक 12.04.1990 को जींद आगार में हुई थी तथा उपलब्ध रिकार्ड अनुसार कर्मचारी की नियुक्ति के समय उसका जीपीएफ न. अलाट नहीं किया गया था।

हस्ता  
कृते: निदेशक राज्य परिवहन,  
हरियाणा, चण्डीगढ़।

The Committee satisfied with the reply of concerned department and the matter has been resolved. The petition/representation is disposed off accordingly in its meeting held on 07.09.2022.

**17. PETITION/REPRESENTATION FROM SHRI VIRENDER KUMAR KAPUR S/O SH. CHUNI LAL KAPUR, HOUSE NO. 10, BAHL GHARAN STREET JAGADHRI REGARDING FREEDOM FIGHTER STATUS (1957 HINDI MOVEMENT) TO VIRENDER KUMAR KAPUR OF JAGADHRI, WHICH READS AS UNDER: -**

To

The Chairperson,  
Petition Committee,  
Haryana Vidhan Sabha, Chandigarh.

**Subject: - Petition for Freedom Fighter Status (1957 Hindi Movement) to Verender Kumar of Jagadhari.**

Dear Sir,

I have been a resident of H.No. 10, Bahl Gharan Street, Jagadhri. Sir Hindi Movement started under presidentship of Swami Atmanand ji Saraswati of Vedic Sadhna Ashram, Shadipur (Yamunanagar). I joined satyagrahi jattha of Sh. Hukam Chand Gulati of Model Town, Yamunanagar in last weak of June, 1957. After visiting various Village of Ambala District, we reached Ambala and were sent to Chandigarh.

At Chandigarh, we offered stayagharh on 10.07.1957 (about 300 satyagrahis followed by about 1000 people) under leadership of Swami Karpatri ji. Consequently we satyagrahis were arrested u/s 147,149,454,427, 332, IPC from secretariate and were put at PS-17, Chandigarh.

Sir, my name appears at No.1 in the list of 101. We were put in Ambala Central Jail. After about a month we were shifted to Ferozepur Camp. Jail. At Ferozepur, we were Brutally Lathi Charged. As a result, many of us were badly injured and me Barrack-mate Sumer Singh of Naya-Bons, Rohtak, was martyred. Satyagrah gained momentum after this. Finally, we were released on 31-12-1957.

On my return at Jagadhri Railway Station on 01-01-1958, I was warmly welcome by eminent persons of Twin-Towns and taken in procession to Jagadhri Town, where a Welcome-Function was held. Prominent people including Dr. Kamla Verma (Former Health Minister) blessed me.

Central Jail Ambala and Ferozepur Jail supdt. informed D.C. Yamuna Nagar that they did not have old record of F.I.R No. 188 dated 10-07-1957 PS-17 Chandigarh, which I had found in response to my R.T.I. letter no. 345/CP10/ Central dated 30-11-2017. The main F.I.R. was in English but other pages were in Urdu. I got relevant portions translated into Hindi and submitted with D.C. Yamuna Nagar. On further search, I found in the closing report of F.I.R.-No. 188 that all (101) Satyagrahis arrested on 10-07-1957 were released from Ferozepur jail on 31-12-1957 under order of Magistrate Ferozepur.

It is therefore obvious Sir, that we were kept in jails for which record should be available, if possible with Police Authorities yet record of my arrest on 10-07-1957 at Chandigarh and ultimate release on 31-12-1957 from Ferozepur is available.

Sir, grave injustice will be done if my case is not considered favourably. Deserving cases should never be filtered-out Sir.

Sd

Virender Kumar S/o Sh. Chuni Lal Kapur,  
# 10, Bahl Gharan Street, Jagadhri.

The Petition/Representation was placed before the Committee in its meeting held on 05.10.2021 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 07 days. The Committee orally examined the departmental representatives and petitioner/applicant in its meeting held on 19.10.2021. The departmental representatives assured that this matter will be resolved shortly & the compliance report will be sent to the Committee. The department submit its compliance report, which reads as under: -



सेवा में,

The Secretary,  
Haryana Vidhan Sabha Secretariat,  
क्रमांक सू.ज.स.भ.वि.ह. (क्षेत्र)—2022 / 15048

दिनांक चण्डीगढ़ 30 / 09 / 2022.

**Sub: - Regarding Freedom Fighter Status (1957 Hindi Movement) to Virender Kumar Kapur of Jagadhri.**

उपर्युक्त विषय पर आपके कार्यालय के पत्र क्रमांक HVS/Petitions/794/2022-23/18098 दिनांक 12.09.2022 के सन्दर्भ में लिखा जाता है कि उक्त पत्र में वर्णित श्री मोहिन्द्र सिंह नरवाल पुत्र श्री सुमेर सिंह से सम्बन्धित कोई मामला/पत्र विभाग को प्राप्त नहीं हुआ है।

इसके अतिरिक्त उक्त पत्र के विषय में वर्णित श्री विरेन्द्र कुमार कपूर, जगाधरी को सरकार द्वारा जारी संशोधित नोटिफिकेशन क्रमांक न. 1 / 73 / 2017-1 पी.पी., दिनांक 2 मार्च, 2022 (प्रति सलंगन) के अनुरूप आवश्यक स्वीकृति उपरान्त मार्च, 2022 से पेंशन जारी कर दी गई है।

हस्ता

अतिरिक्त निदेशक (क्षेत्र)  
कृते: महानिदेशक, सूचना, जन सम्पर्क एवं  
भाषा विभाग, हरियाणा।

The Committee satisfied with the compliance report of department. The petition/representation is disposed off accordingly in its meeting held on 15.10.2022.