

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22426 of 2016 (O&M)

Date of decision: 14.12.2016.

H.C. Arora, Advocate

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S SARON
HON'BLE MS. JUSTICE LISA GILL**

Present: Mr. H.C. Arora, Advocate, petitioner in person.

Mr. P.P.S. Thethi, Additional Advocate General, Punjab
for the respondents.

S.S SARON, J.

CM No. 15850 of 2016

Copy of the judgment passed in the case of Charanjit Singh v. State of Punjab and others CRM-M No. 41977 of 2015 on 08.11.2016 (Annexure P-8), attached with the civil miscellaneous application is taken on record.

Civil miscellaneous application stands disposed of.

CWP No. 22426 of 2016

The civil writ petition has been filed by the petitioner appearing in person in the nature of public interest seeking quashing of the letter dated 23.07.2007 (Annexure P-5) issued by Secretary Vigilance (Vigilance-1 Branch), Government of Punjab, Chandigarh (respondent No.2) to the Chief Director, Vigilance Bureau, Punjab, Chandigarh (respondent No.3). In terms of the said letter (Annexure P-5) the Vigilance Bureau, Punjab has been restrained from taking action on the complaints received against Gram Panchayats. It is stated that the Rural Development and Panchayat Minister, Punjab had brought to the notice of the Hon'ble Chief Minister that the

Vigilance Department was harassing the Panchayats on bogus and false complaints. The Hon'ble Chief Minister had desired that on the complaints of the people, first enquiries may be got properly conducted from the concerned Department and if the person was found guilty, only then the Vigilance Department may take appropriate action. The Director, Vigilance Bureau Punjab was therefore directed to ensure meticulous compliance with the order of the Hon'ble Chief Minister.

According to the petitioner, the aforesaid letter i.e. letter dated 23.07.2007 (Annexure P-5) completely takes away the independence of the Vigilance Bureau, Punjab. The petitioner, who is appearing in person, submits that the Vigilance Bureau, Punjab is like the Anti-Corruption Branch of the Central Bureau of Investigation and the directions that have been issued are in violation of the judgment of the Supreme Court in ***Vineet Narain and others Vs. Union of India and another, JT 1997 (10) SC 247***. In the said judgment it has *inter alia* been held that no executive instructions can be issued to the Central Bureau of Investigation for curtailing the power of investigation under the Prevention of Corruption Act, 1988. It is further submitted that the said instructions circumvent the short affidavit given on behalf of respondents No. 2 and 3 in CWP (PIL) No. 23058 of 2011 titled as H.C. Arora Vs. State of Punjab and others.

In terms of said affidavit an assurance was given that the circular dated 06.03.2000 (Annexure P-1) shall not be applied to the Vigilance Bureau as the provisions thereof were stated to be violative of the provisions of criminal law/Prevention of Corruption Act, 1988. It is further submitted that the letter dated 23.07.2007 (Annexure P-5) circumvents the order dated 30.06.2015 (Annexure P-4) passed in the case of H.C. Arora Vs. State of

Punjab and others in CWP No. 23058 of 2011, which was disposed of as not pressed by the petitioner, in view of the short affidavit mentioned above.

After giving our thoughtful consideration to the matter, it is noticed that this Court in Charanjit Singh's case (supra), the judgment of which has been taken on record, has held the letter dated 23.07.2007 (Annexure P-5) to be bad in law. The learned single Judge with respect to the said circular *inter alia* observed that the circular so purported to have been issued was neither a statutory one and was more of a correspondence addressed to the Director, Vigilance Bureau, Punjab, Chandigarh whereby the Additional Secretary (Vigilance) had informed the Vigilance Bureau that the Rural Development and Panchayat Minister for Punjab had brought to the notice of the Hon'ble Chief Minister that the Vigilance Department was harassing the Panchayats on bogus and false complaints and that the Hon'ble Chief Minister had desired that on the complaints of people, first enquiries should be got conducted from the concerned department and if the persons were found guilty then Vigilance Bureau may take action accordingly and thus, directed the Vigilance Bureau to comply with the orders of the Chief Minister. It was observed that the letter/circular in question containing instructions so impugned were bad in law.

In view of the said observations that the circular has already been held to be bad in law, nothing survives in the present petition and the same is accordingly disposed of.

(S.S SARON)
JUDGE

(LISA GILL)
JUDGE

14.12.2016

PA

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