RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 9694/2024
CNR: RJHC010429712024 | URN: CW / 19144U / 2024

Sanjay Kumar Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

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For Petitioner(s)	:	Mr. Moti Singh.
For Respondent(s)	:	Mr. I.R. Choudhary, AAG assisted by Mr. Pawan Bharti.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

18/11/2026

1. Heard learned counsel for the parties.

2. The present case is an eye opener for the genuine tax payers/persons, who are contributing their hard-earned money for the development of the State as it appears from the record of this petition that certain persons, who were entrusted by the State Government with the responsibility to execute the public works, are blatantly disregarding their legal and official obligations by not completing the assigned work and on the contrary, they are conveniently drawing and receiving the funds sanctioned for that very purpose without performing their duties for which they are legally duty-bound.

3. The present proceeding is the second round of litigation. In the first round of litigation, the matter was examined in detail and various orders were passed by this Court from time to time. Ultimately, the proceedings were disposed of with the expectation

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that since the State Government had initiated appropriate proceedings for recovery of the amount from the erring private respondent, the State would take necessary steps against it to bring such proceedings to their logical conclusion. However, despite the passage of time, since the State Government has not completed the recovery proceedings on one pretext or another, therefore, the present proceedings have been initiated by the petitioner.

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4. We are at pains to observe that the steps taken by the officials of the State Government are falling way short in discharge of their official duties. It appears that the State Government initiated a process for preparation of the zonal development plan in the various municipalities and for the purpose, the tender proceedings were initiated and the respondent No.9- M/s Green City Surveyors Private Limited was allotted the tender for undertaking the process/preparation of the zonal development plan of Bikaner Division only. For the said purpose, out of the total amount of tender (Rs.21 crores), substantial amount (approximately Rs.14 crores) had been disbursed to the respondent No.9, but when the entrusted work was not either undertaken or completed rather initiated, the present petitioner filed a public interest petition before this Court being D.B. Civil Writ Petition (P.I.L.) No. 2555/2022, wherein certain detailed orders were passed. Some of the orders require to be reproduced as under: -

> "**Order dated 17.05.2023:**
>
> 1. This petition in the nature of Public Interest Litigation has been filed by the petitioner, inter-alia,

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seeking direction against the respondents to act upon the inquiry reports dated 29.05.2019 / 08.05.2019 (Annex.8), initiate process for recovery of amount illegally paid to the respondent No.12 and process be initiated for blacklisting of the respondent No.12.

2. The inquiry reports (Annex.8), apparently, have been prepared pursuant to the order dated 29.04.2019 (Annex.R/1) issued by the Director-cum-Ex-officio Joint Secretary, Local Self Department, Rajasthan. The inquiry reports, inter-alia, concluded irregular payment to the respondent No.12.

3. From the record, it appears that on 31.05.2019 (Annex.10), the Senior Town Planner, apparently oblivious of reports dated 28.05.2019 / 08.05.2019, superseded the order dated 29.04.2019 and constituted another committee for holding inquiry on the same subject.

4. Based on the inquiry reports dated 28.05.2019 / 08.05.2019, several officers / employees of various Municipal Boards were placed under suspension in contemplation of inquiry. The orders passed placing them under suspension in contemplation of inquiry, have all been stayed in various writ petitions filed by the said officers / employees.

5. It is claimed by the respondent No.12 that subsequent thereto, on 29.09.2019 (Annex.R/12/6), another committee was constituted by the Director-cum-Ex-officio Joint Secretary for holding the inquiry and the same was followed by another office order dated 12.12.2019, (filed as part of Annex.-R/12/6), constituting another committee pursuant to some directions issued on 23.09.2019.

6. Further allegations have been made by the respondent No.12 that the inquiry reports (Annex.8) have been prepared by the committee without affording any opportunity of hearing to the respondent No.12 and even the Municipal Boards also were not heard and reports have been submitted based on the record said to have been made available.

7. Further serious allegations have been made that one of the Member of the committee, which gave the report dated 28.05.2019 / 08.05.2019, Mr. Sachin Pandya, who has been indicated as Urban Planner,

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DLB, Jaipur, is privately engaged by respondent No.12's rival Avni Realcreation Private Limited and to support the said allegation, an invoice (Annex.R/12/5) has been produced showing payment made to one Sachin (Urban Planner) by the said company.

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8. From the material, which has come on record, it is apparent that though the committee was constituted on 29.04.2019 by the Director – cum – Ex-officio Joint Secretary, pursuant to which, the reports were submitted on 28.05.2019 / 08.05.2019, oblivious of the said aspect, the Senior Town Planner superseded the order dated 29.04.2019 and relying on the reports dated 28.05.2019 / 08.05.2019 several employees / officers were placed under suspension by the Directorate.

9. Further, the department, apparently, is unaware of the orders dated 20.05.2019 & 12.12.2019 (Annex.R/12/6) produced by the respondent No.12 as the said orders does not find any mention in the response filed by the State.

10. Further, learned AAG made specific submission that the outcome of the inquiry, if any, pursuant to orders dated 31.05.2019 (Annex.10), 20.09.2019 & 12.12.2019, he is unaware.

11. Qua the allegation made against one Mr. Sachin Pandya, Urban Planner, the status of the said officer as to whether, he being an employee of the State is entitled to work in private capacity with private firm as well and as to whether the document Annex.R/12/5 at all pertains to the said officer, also is not known.

12. In that view of the matter, the Secretary, Local Self Department, Jaipur is directed to file his personal affidavit with regard to the present status of various orders, as noticed hereinbefore, i.e. 29.04.2019, 31.05.2019, 20.09.2019 & 12.12.2019 and action / report / outcome of the committees constituted on 31.05.2019, 20.09.2019 & 12.12.2019, as pursuant to the order dated 29.04.2019, reports (Annex.8) have already been produced.

13. It would be further required of the Secretary to give a specific response to the allegation made by the respondent No.12 qua the officer Mr. Sachin Pandya,

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Urban Planner, in relation to the document Annex.R/12/5.

14. Needful be done by the next date.

15. List the petition on 10.07.2023."

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"**Order dated 21.09.2023:**

1. From the additional affidavit filed by the Secretary, Local Self Department, Jaipur under the directions of the Court, it is apparent that the Secretary himself is at sea as to what is happening in his Department.

2. By order dated 31.05.2019 (Annex.10) by superseding order dated 29.04.2019, Committee for all Divisions was formed and apparently on the same day on 31.05.2019 (Annex.AA1) another Committee was formed for Bikaner Division for the same purpose.

3. Whereafter, qua the communication dated 31.05.2019, the Authorities at Bikaner vide Annex.AA6 dated 21.07.2023 have indicated that they are not in receipt of the communication (Annex.AA1).

4. Qua the other Committee formed, a communication has been placed on record dated 14.12.2021, whereby, some factual report was sought from the Anti Corruption Bureau and thereafter, nothing has proceeded in the matter.

5. It is outright shocking as to how, despite the fact that matter is going on for over four years, except for passing of few orders, nothing has been done by the respondents and apparently there is no plan or intention to proceed in the matter.

6. Even the order dated 31.05.2019 (Annex.10), which has been issued by the Senior Town Planner by indicating that the same was approved at the appropriate level, has not been substantiated by the respondents, as the said communication dated 31.05.2019 (Annex.10) has a large implication, as much as, the same has superseded the order dated 29.04.2019, which has led to reports, which has resulted in suspension of several officers.

7. In view of the above fact situation, the respondents are directed to place on record entire note-sheets,

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which has led to passing of the order dated 31.05.2019 (Annex.10) and 31.05.2019 (Annex.AA1).

8. It will also be required of the respondents to indicate as to whether they have any intention worth the name to proceed with the enquiry or not and in case, they have any intention, to indicate the timeline within which they would do the needful.

9. Response to the above, should also be filed supported by affidavit of the Secretary, Local Self Department, Jaipur and not the Officer-in-Charge, as is usually done.

10. List the petition on 11.10.2023."

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5. Ultimately, on the basis of the two detailed affidavits filed by the responsible authorities of the respondent department viz., Shri Kailash Chand Meena, Secretary, Local Self Department, Jaipur and Hridesh Kumar Sharma, Director cum Special Secretary, Local Self Department, the said writ petition was disposed of by this Court vide order dated 20.03.2024 in the following terms:-

"1. The issue raised in this petition is with regard to the recovery in the matter of non-completion of public works by private respondent.

2. Learned counsel for the petitioner at the outset submits that the State in its reply has admitted that works were not completed in time, therefore, certain amount is recoverable from the private respondent.

3. Learned counsel appearing for the private respondent would submit that the stand taken by the State is without any basis and no amount is recoverable from the private respondent.

4. Be that as it may, as the State has taken some stand, it is open for the State to draw proceedings. If at all any such proceedings of recovery are made, it shall always be open for private respondent to take all defences, measures and remedies available to it under the law.

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> 5. This Court is not expressing any opinion on merits as to whether the amount as alleged by the petitioner is recoverable from the private respondent or not. The parties are left to avail their remedy.
>
> 6. The writ petition is disposed off.
>
> 7. It goes without saying that if any proceeding is initiated by the State, the private respondent shall be entitled to appropriate opportunity of hearing."

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6. Although number of reports were submitted by the authorities, but a report dated 02.01.2024 under the signature of the Deputy Director, Regional, Local Self Department, Bikaner, wherein elaborate discussion has been made about the recoveries, shows that the respondent No.9 has not undertaken the work pursuant to the tender issued in its favour.

7. In these circumstances, when nothing was done by the State Government, the present writ petition has been filed with a prayer that the recovery of amount as per the committee's reports and the affidavits filed before this Court, has not been made so far.

8. Learned counsel for the petitioner submits that despite the fact being established by the number of committees including the detailed committee's report dated 02.01.2024, nothing has been done to recover the amount disbursed to the respondent No.9. He further submits that even a case was registered by the Anti Corruption Bureau against the erring officials, but except filing of the First Information Report, no progress has yet been made in the matter from the last five years. Learned counsel, in these circumstances, submits that the respondent-State may be directed to take appropriate action in the matter for recovery of the amount from the respondent No.9- M/s Green City Surveyors

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Private Limited and to take appropriate steps against the erring officials.

9. At this stage, learned Additional Advocate General prays for a short time to apprise this Court about the action taken on the two issues mentioned above.

10. Time prayed for is allowed.

11. Learned AAG is directed to file the respective affidavits sworn by the Director General, Anti Corruption Bureau and Secretary, Local Self Department, Jaipur, explaining the steps taken with respect to recovery of the amount stated above as well as the progress of the investigation done by the Anti Corruption Bureau against the erring officials.

12. It is made clear that if such affidavits are not filed on or before 15.12.2026, the Director General, Anti Corruption Bureau and the Secretary, Local Self Department, Jaipur, shall remain present before this Court on the next date of hearing.

13. List the matter on 15.12.2026.

(SANDEEP SHAH),J **(VINIT KUMAR MATHUR),J**

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