

IN THE HON'BLE HIGH COURT FOR PUNJAB & HARYANA
AT CHANDIGARH

C.W.P. No. 9521 of 2010
(Public Interest Litigation)

1. Resurgence India, 903, Chander Nagar, Civil Lines, Ludhiana, a Society registered vide Registration No. 574 of 2001-2002 dated 18th February, 2002 issued by the Additional Registrar of Firms and Societies, Punjab, Ludhiana through its General Secretary Mr. Hitender Jain son of Mr. Dev Raj Jain, resident of 6-E, Tagore Nagar, Civil Lines, Ludhiana, who has been authorized by the Organization to file the present writ petition.
2. People for Transparency, Telephone Exchange Road, Near Sainik Rest House, Sangrur registered vide Registration No. DIC/DRA/3345 of 2006 dated 03rd March, 2006 issued by the Additional Registrar-cum-General Manager, District Industries Centre, Malerkotla Sangrur, through its General Secretary Mr. Kamal Anand son of Mr. Om Parkash Anand, resident of Telephone Exchange Road, Near Sainik Rest House, Sangrur, who has been authorized by the Organization to file the present writ petition.
3. Hemant Goswami son of Shri B.M. Goswami C/o Burning Brain Society, Glass Office No.3, Hotel Shivalik View, Sector 17, Chandigarh.

...Petitioners

Versus

1. State of Punjab through its Chief Secretary, Punjab Civil Secretariat, Chandigarh.
2. The Ministry of Agriculture through its Secretary, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
3. The Financial Commissioner (Development)-cum-President of the four Farm Councils, Department of Agriculture, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
4. The Director, Central Bureau of Investigation, Block No.4, 6th floor, C.G.O. Complex, Lodhi Road, New Delhi – 110 003.
5. Comptroller and Auditor General of India, 9, Deen Dayal Upadhyay Marg, New Delhi 110124. E-mail pdis@cag.gov.in.
6. Mr. Himmat Singh, I.A.S., C/o The Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh (Proforma Respondent).
7. Mr. R.S. Sandhu, I.A.S. (Retd.), Ex-Financial Commissioner (Development)-cum-President of the four Farm Councils C/o The Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh (Proforma Respondent).
8. Council for Citrus & Agri Juicing in Punjab, S.C.O. 358-359, Sector 34-A, Chandigarh (Proforma Respondent).
9. Council for Advanced Horticulture in Punjab, S.C.O. 358-359, Sector 34-A, Chandigarh (Proforma Respondent).
10. Organic Farming Council of Punjab, S.C.O. 358-359, Sector 34-A, Chandigarh (Proforma Respondent).
11. Viticulture Council of Punjab, S.C.O. 358-359, Sector 34-A, Chandigarh (Proforma Respondent).

...Respondents

Civil Writ Petition under Articles 226/227 of the Constitution of India (Public Interest Litigation), praying for the issuance of an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the investigation and registration of First Information Report regarding misappropriation & embezzlement of funds, forgery & tampering of documents, and abuse of authority by the present and former office-bearers and officials of the four Farm Councils & State Government; and a thorough and time-bound investigation by the respondent no. 4, as huge Central Government funds to the tune of Rs.3.84 crore are also involved, or in the alternative by a Special Investigation Team comprising of officers of unquestionable integrity and competence of not only the police but also of the Comptroller & Auditor General of India, or by a Committee of sitting or retired Judges of the High Court, to unearth the wrongdoings in all the four Farm Councils; and to take all necessary actions to take the result of such investigation to its logical conclusion, including recovery of embezzled & misappropriated funds and punitive action against those found responsible, regardless of the persons or personalities involved and without any compromise with the truth or the imperatives of justice;

AND

For the issuance of an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondents no.1 and 3 to get all the projects undertaken by the four Farm Councils technically evaluated from an independent credible professional agency; and to take appropriate action in accordance with such evaluation report so that the projects do not suffer;

AND

For the issuance of an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondents no.1 and 3 to enforce the Punjab Financial Rules and other government rules and procedures in the four Farm Councils and similarly situated organization whether registered under the societies registration act or otherwise;

AND

For issuance of an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondents no.1 and 3 to ensure compulsory regular audit of the four Farm Councils by the Accountant General;

AND

For the issuance of an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondent no.1 to take action against respondent no. 6 under the All India Services (Discipline & Appeal) Rules, 1969 for consumption of liquor in public places;

AND

For the issuance of an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondent no.2 to take effective and efficacious measures to ensure that the schemes floated by it are audited at the grassroots level by the Comptroller & Auditor General of India;

AND

For the issuance of interim directions to respondent No. 4 to seize the records of the councils immediately without any delay to prevent the manipulation/destruction of record.

For the issuance of any other Order, direction or Writ, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

RESPECTFULLY SHOWETH:-

1. That the Petitioner no.1, Resurgence India is a non-governmental organization, registered under the Societies Registration Act, 1860 vide Registration No. 574 of 2001-2002 dated 18th February, 2002 issued by the Additional Registrar of Firms and Societies, Punjab, Ludhiana, acting through its General Secretary, who has been authorized by the organization. The Petitioner no.1 is working for peoples' empowerment, social awakening, upholding of civil liberties, human rights and human dignity. The petitioner no.1's credibility as a public-spirited body is well established by its following Public Interest Litigations in this Hon'ble Court – CWP No.19833 of 2002, CWP No.5884 of 2003, CWP No.18931 of 2003, CWP No.4099 of 2004 [Amended CWP (PIL) No.8294 of 2005], CWP No.11122 of 2006, CWP No.4576 of 2007, CWP No.6025 of 2007, CWP No.6026 of 2007, CWP No.17132 of 2007, CWP No.18396 of 2007, CWP No. 30 of 2008, CWP No.2899 of 2008, CWP No.2928 of 2008, 1253 of 2009, 13654 of 2009 and 3703 of 2010. The Petitioner no.2, People for Transparency is a registered voluntary non-governmental organization working for peoples' empowerment, legal literacy, social awakening, upholding of civil liberties, human rights and human dignity, acting through its General Secretary. The Petitioner no. 3, Shri Hemant Goswami is an internationally renowned social activist with numerous public interest interventions to his credit including Smoke-free Chandigarh initiative. The Petitioners have jointly conducted the Citizens' Investigation and exposed in their

Citizens' Investigation Reports (**Annexure P-1** and **P-2**) dozens of wrongdoings, including the large-scale misappropriation & embezzlement of funds, forgery & tampering of documents, and abuse of authority by the present and former office-bearers and officials of the four Farm Councils and the complete failure of the State Government to control and monitor the agricultural diversification projects thereby putting the farmers at the mercy of self-serving officials. The petitioners are making an effort through the present writ petition to bring to the notice of this Hon'ble Court the large-scale wrongdoings resulting in a loss of several crores of public funds and the complete failure of the State Government to register criminal cases against the offenders despite clear-cut evidence having been provided by the Petitioners because of the involvement of very senior bureaucrats. The State has also failed to take steps to stop the further tampering of records despite being provided evidence of forging of documents by the Council officials. The Petitioners also learn that the resources of the Farm Councils have been used for the agricultural farms of some very high ranking political functionaries who are now making all efforts to save the offenders. The petitioners, through this petition (Public Interest Litigation), are seeking the intervention of this Hon'ble Court for investigation into the wrongdoings in the four Farm Councils by the Central Bureau of Investigation in view of the involvement of senior bureaucrats in the scam who are being shielded by senior political functionaries, and for requisite corrective action in the matter, and for taking action to safeguard the interests

of the farmers who opted for agricultural diversification on the assurances of the State Government but are suffering due to the failure of respondent no.1 and 3 to monitor the functioning of the Councils.

BACKGROUND

2. That the State of Punjab formed four "special purpose vehicles", namely the 'Council for Citrus & Agri Juicing in Punjab', the 'Council for Value Added Horticulture in Punjab', the 'Organic Farming Council of Punjab' & the 'Viticulture Council of Punjab' (hereinafter collectively referred to as "Farm Councils") in February, 2006 with the lofty objectives of diversification of agriculture in Punjab in order to bring the farmer out of the wheat-paddy logjam and to check the fast depleting water table. The aforesaid four Councils were registered as societies under the Societies Registration Act, 1860 in February, 2006 by the Department of Agriculture of the Government of Punjab (respondent no.3). The intended aim was to promote horticulture, viticulture (grape-growing) and organic farming in the State by facilitating the farmers for cultivation of citrus fruits, strawberry, grapes, stevia, organic agricultural products and the like. In order to create market for the increased production of grapes, a winery was also to be established.
3. That the State Government has pumped in huge public funds to the tune of Rs.39.44 crore in the last four years into these four Councils. Another, Rs.3.18 crores has been given as subsidy on the different projects. Besides, loans

of Rs. 39.12 crore approximately were taken from banks and others to fund the activities. In aggregate, a sum of Rs.81.74 crores has been incurred on the functioning of the four Councils.

4. That these Councils are financially supported by the Union Ministry of Agriculture. At least Rs.3.84 crores has been contributed in the form of subsidy by the National Horticulture Mission for installation of drip irrigation system in citrus orchards (4266 acre @ Rs.9000 per acre). The Ministry has also given subsidy for certification of Organic Farms in addition to the above central government assistance.

5. That the volunteers of the petitioner-organizations filed series of applications under the Right to Information Act with the four Farm Councils, the Department of Agriculture and various District Transport Offices. On the basis of analysis of more than 20000 pages obtained under the Right to Information Act, the Citizens' Investigation Team has unearthed a big scam involving serious financial and operational irregularities and breaches in the functioning of the four Farm Councils. The two Citizens' Investigation Reports (**Annexure P-1** and **P-2**) reveal shocking instances of forgery in documents, fictitious purchases, pilferages, diversion of resources to agricultural farm of one of the Presidents of the Councils, personal expenses charged to Councils, unauthorized expenditures, serious financial irregularities, opacity in recruitments, tampering in terms of appointment of staff, statutory violations,

evasion of taxes and etc. Some of the shocking revelations in the aforementioned Citizens' Investigation Reports are as under: -

- (i) Purchase Orders for installation of Drip Irrigation Systems costing Rs.16.08 lakhs, and Delivery Challans regarding supply of 10900 nos. citrus plants valuing Rs.5.45 lakhs at the agricultural land at Village Chak Sadhu, District Hoshiarpur of Mr. R.S. Sandhu IAS, the then Financial Commissioner (Development), Punjab who remained the President of all the four Councils from 09th May, 2007 to 30th November, 2008 have been made available under RTI though none of the Councils had any contract for farming or non-farming activity with him. The resources of the Councils have *prima facie* been diverted for the personal benefit of the very senior IAS officer.

- (ii) The Citrus Council and Organic Farming Council have shown purchases of 5413 MT Vermicompost at a cost of Rs. 1.50 crores from three firms, namely Global Agri Ventures, Ravi Vermicompost Unit and H.A. Agro Organic's. Out of 62 truck numbers mentioned on the Invoices of the three vendors, 61 are in fact not trucks but mopeds, scooters, motorcycles, three-wheelers, cars, jeep, tractors and even a Punjab Roadways bus while two numbers have yet not been allotted to any vehicle. The entire purchase is, thus, fictitious.

- (iii) The VAT registration numbers of three vendors, namely Agro Vision, Jaipur, Dee Ess Tools, Delhi and Vishwa Engineering Works, Delhi from whom purchases/job work aggregating Rs.1.33 crores is shown to have been made by the Farm Councils in FY 2006-07 and 2007-08, on being checked on the websites of the VAT authorities of Delhi (www.dvat.gov.in) and Rajasthan (www.rajtax.gov.in), have been found to be false. None of these three vendors is registered with the Delhi VAT and Rajasthan VAT. The entire expenditure is, thus, bogus.
- (iv) The appointment of staff in Councils has been a private affair through references. Numerous officials of all ranks have been employed through backdoor without inviting applications through public notice. Most of the persons who were appointed do not have any experience related to citrus cultivation, viticulture, horticulture or organic farming. So much so that majority of the appointees do not even have any educational qualification related to agriculture though there is no dearth of such experts in the region. The interviews are claimed to have been conducted over telephone. Not only that there are numerous other irregularities in the appointments. No subject expert from the concerned field was associated with the appointment process for any of the posts. No merit list was ever prepared. No record

regarding receipt of applications was maintained and no entry of the applications was made in the Dak Receipt Register. One of the Dy. CEOs was interviewed even before the date of publishing of advertisement. Some of the candidates sent their application to email addresses which were not even mentioned in the advertisement. Some of the candidates applied by name to Mr. Himmat Singh, IAS or Mr. Vikramjit Singh Chimni, the Vice-President and CEO respectively of the Councils though their name was never mentioned in any advertisement. Most of the candidates did not submit any certificates related to educational qualifications or experience with their application. No effort was made to ascertain the credentials of the candidates or to cross check the experience certificates or educational qualifications.

- (v) Numerous bills of liquor and alcoholic beverages of Mr. Himmat Singh IAS and Mr. Vikramjeet Singh Chimni, Vice-President and Chief Executive Officer respectively of the four Farm Councils have been paid out of the public funds, as the Councils' funds are. Not only that, Mr. Himmat Singh, IAS consumed liquor at public places in contravention of Rule 20 of the All India Services (Conduct) Rules, 1968.
- (vi) Bills of expenditure aggregating Rs.5.39 lakhs incurred by Mr. Himmat Singh IAS who is the Vice-President of all the four Farm Councils since

beginning has been charged to the Farm Councils under various heads - "Meeting Expenses", "Travelling Expenses", "Internet Expenses", "Telephone Expenses" and "Local Conveyance" even though he was on leave from Government of Punjab for more than 27 months from 11.05.2007 to 31.08.2009 (including Ex-India leave from 11.05.2007 to 26.08.2007 and again from 08.10.2007 to 21.10.2007).

(vii) The 56 cows and buffaloes purchased by the Organic Council in FY 2006-07 and 2007-08 ought to have given milk of at least 20 liters each per day on an average. Out of these, even if 75% animals were producing milk at any point of time, there should have been a daily production of 840 liters of milk i.e. at least 25200 liters a month or 882000 liters from Feb, 07 to Dec, 09 (date up to which information is available). As against this, the Council has shown a sale of 51413 liters in 14 months from Feb, 07 to Mar, 08 while no sale of milk has been shown since Apr, 08. There is, thus, a huge pilferage of more than Rs.1.66 crore in the sale of milk alone even if calculated @ Rs.20.00 per kg.

(viii) Mr. Himmat Singh, IAS and Mr. Vikramjeet Singh Chimni mercilessly spent the Councils' funds for their lavish and extravagant lifestyles staying in top end five-star hotels with room rent as high as Rs.33000.00 a day. The CEO, Mr. Chimni travelled by Business Class while on his foreign jaunts with the

approval of Mr. Himmat Singh, IAS though the Vice-President did not have any authority to give such approval. Crossing all limits of propriety, pen costing Rs.1425.00 each has been bought out of public funds.

- (ix) The Councils have shown purchases of chemicals/insecticides/fungicides etc. aggregating Rs.27.15 lakhs during FY 2007-08 from a vendor, Messrs Balaji Traders, New Delhi. The vendor does not have a CST Number/TIN i.e. CST/VAT Registration though no vendor can make inter-state sale without getting itself registered under CST Act. The website of Delhi VAT Department (www.dvat.gov.in) does not show any registered dealer by the name of "Balaji Traders" at the given address.
- (x) Three office orders bearing Nos. CAJP/2006/32A dated 05.04.2006, Gen/2006/62A dated 14.06.2006 and CAJP/GEN/2006/193 dated 19.08.2006, all issued under the signatures of Mr. V.S. Chimni, Chief Executive Officer are clearly forged, being created in backdate. The order dated 05.04.2006 has been issued in a date when Mr. V.S. Chimni had not even joined the job (24.04.2006). The letter head of the Citrus Council on which the three Orders have been issued bear phone numbers, Fax number, website address and/or office address which did not exist as on the date of issuing orders.

- (xi) Tea and Tea Bags were purchased by the Organic Farming Council at a cost of Rs.31.47 lakhs in FY 2007-08 out of which a little was sold for Rs.20,048.00 in FY 2008-09. The whereabouts of the balance tea costing more than Rs.31.00 lakhs are not known.
- (xii) 77,803 Kg. of "Ready to Eat", "Ready to Cook" & "Frozen" food items were purchased by the Organic Farming Council at a cost of Rs.19.89 lakhs in FY 2007-08 out of which only 1,374 Kg. has been shown as sold in the books while the remaining 76,429 Kg. is claimed to have been spoiled though the Balance Sheet nowhere mentions about spoilage.
- (xiii) The Horticulture Council had bought 4.50 lakhs imported strawberry plants in Nov, 2006 at a cost of Rs.53.55 lakhs excluding freight and other expenses. Some more purchases were again made in subsequent years. Though more than three years have elapsed and a sum of Rs.1.54 crore is shown to have been spent on the project up to 31st March, 2009, a sale of only Rs.1.70 lakhs self-produced strawberry has been shown till March, 2009.
- (xiv) The managerial staff, including the CEO, have been given numerous payments running into crores of rupees on account of fixed Conveyance, Leave Travel Allowance etc. which were not payable as per the Appointment Letter. Further, huge expenditure has been incurred on lavish and extravagant travel of the

managerial staff. In an apparent attempt to legalize such payments, "Service Contracts" have been executed with the managerial staff under the signatures of Mr. Himmat Singh IAS or Mr. V.S. Chimni, Vice President and Chief Executive Officer respectively of the Councils wherein several terms & conditions have been added/altered though these were not there in the Appointment Letters.

(xv) The CEO is claiming Rs.53000.00 per month for the usage of their personal vehicles ever since the beginning while the subordinates are claiming Rs.8000.00 to Rs.51300.00 per month though there is no agreement to pay such a huge amount. Despite claiming such a huge amount, the taxi bills are again charged to the Councils when the officials actually travel though the conveyance was calculated presuming that each officer would travel 4000 Km. every month for official work. No logbook is maintained to ascertain official travel though it was compulsory as per CEO's own order.

(xvi) The CEO and other officials of the Councils are availing reimbursement of Outdoor and Indoor treatment expenses in addition to the medical insurance though they are entitled to medical insurance only as per the Appointment Letter.

(xvii) Personal expenses of the CEO and his family have been paid out of public funds, as the Councils' funds are.

(xviii) There are numerous items of expenditure, purchases as well as agreements/contracts, which have been made without inviting tenders/ bids. The Punjab Financial Rules require inviting of tender in case of expenditure exceeding Rs.25000.00 but the Councils have incurred expenditure running into crores without calling for competitive bids.

(xix) The Balance Sheets and Income & Expenditure Accounts provided under RTI for all the four Councils for three years have been signed by the Auditor on 13.10.2009 i.e. all the 12 Balance Sheets have been signed by one Chartered Accountant on same date. The annual financial statements filed with the returns of income are altogether different and signed by different Chartered Accountants.

(xx) That the Government of Punjab miserably failed to monitor the functioning of the Councils despite committing sizeable public money to the tune of Rs.81.74 crores. The Councils, being societies registered under the Societies Registration Act, were neither obliged to follow the Punjab Financial Rules nor were subject to audit by the Accountant General (A.G.). The bosses in the Department of Agriculture (Respondent no.3) did not bother to ensure the framing of rules and regulations for the functioning of the Councils. In the meeting of the Board of Management chaired by Mr. P.K. Verma, IAS, the then Financial Commissioner (Development), the

CEO was given the authority to manage the Councils till rules & regulations were framed. So much so that the Finance Committees were never constituted in any of the four Farm Councils in the four years of their existence though expressly required in the Byelaws thereby making Mr. Vikramjeet Singh Chimni, the Chief Executive Officer (CEO), common for all the four Councils, all powerful without any checks and balances at all. None of the five Financial Commissioners (Development), the IAS officers who headed the Department of Agriculture and were also the Presidents of the four Councils in the past four years, as well as Mr. Himmat Singh, IAS, the Vice-President of the four Councils since beginning ever bothered to get the rules & regulations framed and Finance Committee constituted. So much so that not even a single meeting of the Board of Management was held in two years from 28.11.2006 to 25.11.2008 though the Byelaws require such meetings to be held at least quarterly. Similarly, no Annual General Meeting (AGM) was ever held between April, 2006 and February, 2010 though the meeting of the General Body is required to be held at least once a year. Resultantly, the Councils became the personal fiefdom of Mr. Himmat Singh, Vice-President and Mr. Vikramjit Singh Chimni, Chief Executive Officer respectively of the Councils, and a "special purpose vehicle" to serve the self-serving officials of the Councils and the State Government. Shockingly, none of the four Councils ever bothered

to furnish their Annual Report to the State Government.

(xxi) That a big fraud is being committed on the public exchequer by the bureaucracy in Punjab by registering societies under the Societies Registration Act to discharge the functions that are otherwise within the domain of the State Government. The motivation for forming such unlawful societies, as these four Councils are, is to take them out of the purview of the Punjab Financial Rules and other government rules & regulations. Not only that, by registering these special purpose vehicles as societies, their functioning has been taken out of the scrutiny of government auditors i.e. Accountant General despite their being commitment of sizeable public funds. Further, such societies are found to have been violating different laws because of poor accounting and legal knowledge at their disposal. Not only in this Citizens' Investigation but in the earlier Citizens' Investigations conducted by the Petitioners, the officers and officials, including senior IAS officers, managing these societies have been found to be dictatorially misdirecting the societies as per their whims and fancies as if these were their personal fiefdoms because of absolute lack of checks and balances. Even the bureaucrats at the top echelons, who are entrusted the task of supervising their subordinates, have invariably been found to be in deep slumber. After the formation of these societies,

the State Government is found to have just turned a blind eye towards its illegitimate creations, as these Societies are, thereby leaving these at the mercy of the self-serving managers.

(xxii) That the Petitioner no.1 made formal complaints to the Chief Minister of Punjab, the Chief Secretary Punjab and the Secretary, Union Ministry of Agriculture on April 01, 2010. A copy of the complaints and other letters are annexed at **Annexure P-3** to **P-7** but the concerned respondents have failed to even acknowledge the receipt of complaints.

(xxiii) That reacting to the media expose, the Chief Minister ordered enquiry into the matter by the Chief Secretary to be completed in one month.

CAUSE OF ACTION

(xxiv) That some very senior bureaucrats and political functionaries are the beneficiaries of the Councils. It is reliably learnt that these high and mighty people are backing the officials of the Council. Despite numerous criminal offences having been exposed in the first Report (**Annexure P-1**), the State Government instead of ordering registration of criminal cases against the Chief Executive Officer, the Vice President, the past President who diverted public funds for his personal farm, and other Council officials, simply ordered an enquiry to be conducted

by the Chief Secretary of the State. The State Government neither suspended the Council officials nor did it take any measures to ensure that the records are not tampered with by the officials of the Council especially when it was exposed that the Chief Executive Officer had committed forgery by issuing several orders in backdate.

(xxv) That the Chief Secretary who has been entrusted the enquiry is a Founder Member of all the four Councils and has remained member of the Board of Management for more than a year while being Secretary, Industries & Commerce.

(xxvi) That even the allocated period of one month for completion of enquiry ended on 28th April, 2010 but there is no word from the State Government about the Enquiry Report even after more than seven weeks.

(xxvii) That the diverse nature of revelations made in the Citizens' Investigation Reports (**Annexure P-1 & P-2**) some of which have been mentioned herein above require professional competence and technical expertise for investigation, and it is beyond the acumen of a non-professional person/agency to investigate such a complicated matter.

(xxviii) That there is no alternative remedy for the situation arising out in the instant case except to

approach this Hon'ble Court by way of instant writ petition for the detailed reasons and circumstances set out in the present writ petition. Hence, this civil writ petition.

LAW POINTS

(xxix) That the following law points are involved in the present writ petition for adjudication by this Hon'ble Court:-

- (i) Whether the Government of Punjab had no legal, moral and social responsibility to monitor the functioning of the four Farm Councils, and ensure transparency and accountability therein?
- (ii) Whether the respondent no.1 has failed to discharge its constitutional duties by not ordering registration of criminal cases even though several criminal offences committed by the Council office-bearers and officials had been exposed in the Citizens' Investigation?
- (iii) Whether the respondent no.1 has failed to discharge its duties by not taking the records of the Councils into safe custody so as to ensure that these are not tampered with especially when it was brought out in the Citizens' Investigation that the Chief Executive Officer has committed forgery by creating orders in backdate?

- (iv) Whether the Government of Punjab acted within its mandate by forming the four agricultural Councils, as private bodies for discharging the government functions?
- (v) Whether the Government of Punjab acted within its mandate by registering the four agricultural Councils as societies under the Societies Registration Act thereby taking these Councils out of the purview of the Punjab Financial Rules and other government rules as well as the audit by the government auditors i.e. the Accountant General (A.G.)?
- (vi) Whether the only role of the successive Financial Commissioners (Development), who headed these Councils as their Presidents from time to time in the last four years of their existence, was to order the formation of the Councils, and to attend its meeting if at all the Councils decided to hold one?
- (vii) Whether Mr. Himmat Singh IAS, the Vice-President of the four Farm Councils had any authority to individually approve various matters pertaining to the four Councils especially when he was neither authorized under the Memorandum of Association or Rules & Regulations of the Councils or even by the Board of Management to discharge such functions?
- (viii) Whether Mr. Himmat Singh IAS, the Vice-President of the four Farm Councils committed

criminal breach of trust by getting his personal expenses reimbursed from the Councils even when he was on long leave for more than two years?

(ix) Whether Mr. Himmat Singh IAS, the Vice-President of the four Farm Councils while being on leave from Government of Punjab for more than two years could attend to the work of the Councils during leave period especially in view of the fact that he was a nominee of the State Government?

(x) Whether Mr. Himmat Singh IAS and Mr. Vikramjit Singh Chimni, Vice-President and Chief Executive Officer respectively of the four Councils have committed legal, moral and ethical wrong by consuming liquor at public expense and by mercilessly spending the public funds for their lavish and extravagant lifestyles?

(xxx) That the matter is of vital general importance affecting the interests of the farmers who relied on the assurances of the State Government in particular and confidence of the citizens in the functioning of the government in general, and requires the intervention of this Hon'ble Court.

(xxxi) That the petitioners have no remedy of appeal or revision under the Act or any other alternative efficacious remedy under the statute except to approach this Hon'ble High Court by way of filing the

present writ petition under Articles 226/227 of the Constitution of India.

(xxxii) That the petitioners have not filed any other such or similar civil writ petition either in this Hon'ble High Court or in the Hon'ble Supreme Court of India.

RELIEF SOUGHT

(xxxiii) On the grounds submitted above and more to be stated later on, if necessary, it is, therefore respectfully prayed as under:-

(i) That an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the investigation and registration of First Information Report regarding misappropriation & embezzlement of funds, forgery & tampering of documents, and abuse of authority by the present and former office-bearers and officials of the four Farm Councils & State Government; and a thorough and time-bound investigation by the respondent no. 4, as huge Central Government funds to the tune of Rs.3.84 crore are also involved, or in the alternative by a Special Investigation Team comprising of officers of unquestionable integrity and competence of not only the police but also of the Comptroller & Auditor General of India, or by a Committee of sitting or retired Judges of the High Court,

to unearth the wrongdoings in all the four Farm Councils; and to take all necessary actions to take the result of such investigation to its logical conclusion, including recovery of embezzled & misappropriated funds and punitive action against those found responsible, regardless of the persons or personalities involved and without any compromise with the truth or the imperatives of justice;

(ii) That an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondents no.1 and 3 to get all the projects undertaken by the four Farm Councils technically evaluated from an independent credible professional agency; and to take appropriate action in accordance with such evaluation report so that the projects do not suffer;

(iii) That an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondents no.1 and 3 to enforce the Punjab Financial Rules and other government rules and procedures in the four Farm Councils;

- (iv) That an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondents no.1 and 3 to ensure compulsory regular audit of the four Farm Councils by the Accountant General;
- (v) That an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondent no.1 to take action against respondent no. 6 under the All India Services (Discipline & Appeal) Rules, 1969 for consumption of liquor in public places;
- (vi) That an Order, direction or a writ in the nature of **Writ of Mandamus** or any other appropriate writ directing the respondent no.2 to take effective and efficacious measures to ensure that the schemes floated by it are audited at the grassroots level by the Comptroller & Auditor General of India;
- (vii) For the issuance of interim directions to respondent No. 4 to seize the records of the councils immediately without any delay to

prevent the manipulation/destruction of record.

- (viii) That any other Order, direction or Writ, as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case;
- (ix) That the filing of the certified copies of the **Annexures P-1 to P-7** may kindly be dispensed with, and permission be granted to file true typed and/or fair legible photostat copies thereof;
- (x) That giving of prior notice to the respondents may kindly be dispensed with;
- (xi) That the cost of the writ petition be awarded in favour of the petitioner.

Chandigarh

Dated: May 20, 2010

Petitioner

Through

(A.P.S. Shergill) & (Jagjit
Singh)
Advocates
Counsels for the Petitioner