

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1063 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in issuing proceedings No.A6/2866/2014-Panchayat, dated 10.12.2014, suspending the petitioner for a period of three months from the post of 'Sarpanch' of Suraram Village, as illegal and arbitrary.

The case of the petitioner is that he was elected as 'Sarpanch' in the month of July, 2013 and functioning as such. While so, the 2nd respondent issued show cause notice dated 25.10.2014 to the petitioner stating that why the he should not be suspended from the post of 'Sarpanch' Thereafter, the petitioner submitted his explanation dated 15.11.2014. But, without considering the same, the 2nd respondent issued impugned proceedings dated 10.12.2014, suspending the petitioner for a period of three months by exercising power under Section 249(6) of the A.P.Panchayatraj Act, 1994. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that the irregularities pointed out in the show cause notice dated 25.10.2014 were committed by the Panchayat Secretary and petitioner has nothing to do with the same, as such, petitioner cannot be suspended in respect of the irregularities committed by the Panchayat Secretary. He also submits that though the petitioner submitted his explanation the respondents, without considering the same in proper perspective have passed the impugned proceedings which is in violation of principles of natural

justice. He also submits that the impugned proceedings have not been issued pending investigation.

On the other hand learned Government Pleader for Panchayat Raj submits that the petitioner is also responsible for the irregularities alleged in the show cause notice and that moneys were withdrawn only on the cheque power exercised by the petitioner. She further submits that the suspension is only for a period of three months pending further enquiry, as such, no error is committed by the respondents in issuing the impugned proceedings.

In this case, before issuing the impugned proceedings dated 10.12.2014, the 2nd respondent issued show cause notice dated 25.10.2014 to the petitioner, and that only after receiving the explanation from the petitioner, the impugned proceedings were passed by the 2nd respondent, exercising the power under Section 249(6) of A.P.Panchayat Raj Act, 1994. Further, the suspension is only for a period of three months which indicates that it is pending investigation. The case of the petitioner is that the Panchayat Secretary is responsible for irregularities, but, in the explanation dated 20.10.2014 as well as in the writ affidavit he clearly stated that he issued blank cheques and the same were misused by the Panchayat Secretary. Even if it is accepted, petitioner is an illiterate, he cannot issue blank cheques pertaining to the funds of Gram Panchayat. This act of petitioner is itself detrimental to the interest of public exchequer. Anyhow, the above aspects have to be considered in further enquiry. More so, the allegations are with regard to withdrawal of huge amount of Rs.5,03,968/- and the petitioner himself stated in the explanation that he issued blank

cheques. Any how, the petitioner can file explanation to the impugned proceedings dated 10.12.2014, within a period of two weeks from today and thereafter the 2nd respondent is to pass final orders by following the procedure envisaged under the A.P.Panchayat Raj Act, 1994, without being influenced by any of the observations made herein.

In view of the above, I do not see any ground to interfere with the impugned proceedings dated 10.12.2014, issued by the 2nd respondent. Accordingly, the writ petition is dismissed subject to above observations. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

28.01.2015

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