

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40003 of 2015

-
09.12.2015

Between:

Guguloth Ravi

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Panchayat Raj Department,
Hyderabad, and others

.. Respondents

Counsel for the petitioner: Mr.Ch.Venkat Raman

Counsel for the respondents: Assistant Government Pleader
for Panchayat Raj (TS)

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The Court made the following:

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ORDER:

This writ petition is filed feeling aggrieved by order No.538/2015-B5(Pam)-2, dated 24.11.2015, of respondent No.2, whereby he has withdrawn the cheque drawal power from the petitioner, who is the Sarpanch of Bheemgal Village and Mandal, Nizamabad District, with the direction that henceforth the cheques must be signed by Panchayat Secretary and Panchayat Extension Officer jointly.

A perusal of the record shows that on the same day on which the impugned order was passed, respondent No.2 issued a show cause notice under Section 265(1) of the Andhra Pradesh Panchayat Raj Act, 1994, calling for explanation from the petitioner as to why appropriate action for the alleged misappropriation of the Panchayat funds by him shall not be taken. Both these proceedings would show that the basis for initiation of action against the petitioner is the report/letter No.A1/132/2015, dated 14.10.2015, of respondent No.4 submitted after initiation of the purported enquiry into the allegation of misappropriation by the petitioner. Inasmuch as the enquiry is pending before respondent No.2, it is not appropriate for this Court to deal with the merits of the case as withdrawal of cheque drawal power is resorted to as an interim measure following the abovementioned report of respondent No.4.

Hence, it would be in the interest of justice that respondent No.2 completes the enquiry and passes a final order. Depending upon the outcome of the enquiry, respondent No.2 shall review the impugned order relating to withdrawal of cheque drawal power. The said respondent is directed to complete the enquiry, pass a speaking order and communicate the same to the petitioner within a period of two months from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.51629 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th December, 2015
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