

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**WEDNESDAY, THE TWENTY THIRD DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28309 of 2015

Between:

P. Ravi Kumari,
W/o. Malleswara Rao,
Aged about 45 years,
R/o. Nidumukkala Village,
Tadikonda Mandal, Guntur District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayat Raj & Rural Development Dept.,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner is Sarpanch of Nidumukkala Gram Panchayat, Nidumukkala Village, Tadikonda Mandal, Guntur District. Alleging that the petitioner committed irregularities as Sarpanch, show cause notice was issued by the District Panchayat Office, Guntur District (3rd respondent) on 17.12.2014 calling upon the petitioner to submit explanation. The petitioner submitted explanation on 31.12.2014. So far, no further orders are passed. In the said show cause notice, dated 17.12.2014, further orders are also passed withdrawing the cheque drawing power of the Sarpanch in exercise of power under Rule 42(1) of the Rules notified vide G.O.Ms.No.30 (PR&RD) R, dated 20.01.1995.

2. While these proceedings are pending, the District Collector, Guntur District (2nd respondent) passed orders on 24.12.2014, suspending the petitioner as

Sarpanch of the Gram Panchayat. The said order of the District Collector was challenged in this Court in W.P.No.1009 of 2015. This Court, having regard to the provision contained in Section 249(6) of the A.P. Panchayat Raj Act, 1994 (for short, 'the Act') held that the Sarpanch can be suspended only for a period of three (3) months and, therefore, the order of suspension, dated 31.12.2014, is valid only for a period of three (3) months. In consequence to the orders of this Court, the petitioner was re-instated on 30.03.2015. Even though the petitioner is re-instated, the cheque drawing power of the petitioner is not restored and no further orders are passed by the District Panchayat Officer.

3. Rule 42 of the Rules notified vide G.O.Ms.No.30 (PR&RD) R, dated 20.01.1995, vests power in the District Panchayat Officer to initiate proceedings on the alleged illegalities committed by Sarpanch. While initiating proceedings, if he is satisfied that there is a *prima facie* case, he can also pass an order suspending the money drawing power till the enquiry is completed. After completion of enquiry, he is also competent to pass final orders including imposing penalty of withdrawing cheque drawing power. The final order mandates that it should be restricted to a prescribed period. It is, thus, seen that even when a final order is passed withdrawing the cheque drawing power, such withdrawal of cheque drawing power has to be for a specified period. When power to pass final orders imposes restriction on passing order of withdrawing the cheque drawing power, an interlocutory order cannot have a wider consequence and cannot be for an unspecified period. The reading of the provision in Rule 42 of the Rules notified vide G.O.Ms.No.30 (PR&RD) R, dated 20.01.1995, also makes it clear that as expeditiously as possible an order has to be passed after considering the explanation. So far, no orders are passed. There may be some justification to the District Panchayat Officer not to pass orders after the Sarpanch was suspended, but there is no justification after the Sarpanch is re-instated on 30.03.2015. Thus, the impugned order, dated 17.12.2014, is not sustainable and it is, accordingly, set aside.

4. Accordingly, the Writ Petition is disposed of, directing the District Panchayat Officer, Guntur District (3rd respondent) to restore the cheque drawing power of the petitioner forthwith. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 23rd September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28309 of 2015

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Date: 23rd September, 2015

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