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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1132 of 2016**

1. Smt. Phoolbas Bai W/o Hriday Lal, Aged About 35 Years The Then Sarpanch, Gram Panchayat Dandapur, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)
2. Babunath, S/o Jagarnath, Aged About 30 Years The Then Rojgar Assistant, Gram Panchayat Dandapur, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh).
3. Ramlakhan, S/o Dasaru Aged About 45 Years Post Master, Post Office Dandapur, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat & Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Chief Secretary, State Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
3. Collector, District Balrampur Ramanujganj (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat, Dist. Balrampur Ramanujganj (Chhattisgarh)
5. Lokpal, Mahatma Gandhi Rashtriya Gramin Rojgar Guarantee Yojna, Balrampur Ramanujganj (Chhattisgarh)
6. Chief Executive Officer, Janpad Panchayat, Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)
7. Project Officer, Janpad Panchayat, Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)
8. Panchayat Secretary, Gram Panchayat Dandapur, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)
9. Technical Coordinator, Mahatma Gandhi Rashtriya Gramin Rojgar Guarantee Yojna, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj

(Chhattisgarh)

10. Aasan Ram Paikra, S/o Hira Ram, R/o Village Dandapur, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)
11. Karam Singh, S/o Roopsai, R/o Village Dandapur, Janpad Panchayat Rajpur, Dist. Balrampur Ramanujganj (Chhattisgarh)
12. D.K. Soni, Advocate & R T I Activist, Banaras Road, Ambikapur, Dist. Sarguja Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Jitendra Shrivastava, Advocate
For Respondents No.1, 2 & 3/State	:	Shri Rama Kant Mishra, Dy. AG for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/04/2016

1. Learned counsel for the petitioners submits that the Lokpal has made a recommendation to initiate criminal proceedings against the petitioners without properly appreciating the material in favour of the petitioners that in some other enquiry made by the Police on certain complaints, it was revealed that the payments have been made to the labourers. He submits that the finding recorded by the Lokpal is liable to be set aside because the finding is illegal and without proper appreciation of material on record. He further submits that during the course of enquiry, copy of the complaint was not provided to the petitioners, where an enquiry was earlier made by the Police. The Lokpal has no jurisdiction to again enquire into the complaint and the statements of the labourers recorded by the Lokpal were liable to be disbelieved. Reliance has been placed on **Setho Prasad Gupta & Others**

Vs. State of C.G. & Others¹.

2. It is well established that the jurisdiction under Article 226 of the Constitution of India can be invoked to assail the decision making process, the decision by itself, may not be looked into as an appellate authority. Unless there is perversity in the sense that the finding has been recorded without any admissible material evidence or it is vitiated by malafide or in violation of the principles of natural justice, factual findings of fact are not to be interfered with.
3. The substance of the argument of the learned counsel for the petitioner seeks this Court to enter into factual arena to sit over, as an appellate Court and re-appreciate the evidence.
4. The order of the Lokpal shows that the Lokpal himself had enquired from the labourers with regard to payments and after having recorded the statements, reached to a finding of fact that it is a fit case for making recommendation.
5. As far as the grievance that the copy of the complaint was not supplied, firstly, petitioner Nos.2 & 3 did not even submit their reply before the Lokpal as is clear from the order impugned. As far as the petitioner No.1 is concerned, she did submit her reply and did not demand copy of the complaint all through the proceedings till the final order was passed. Moreover, it could not be demonstrated as to how it has prejudiced the petitioner.
6. It has to be appreciated that the Lokpal is a recommendatory body. The recommendation made by the Lokpal is not binding. If there is a direction to submit a report in the police station, it is always open for the Police to hold

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proper enquiry and to find out whether a case for registration of offence is made out or not.

7. In the event, any offence is registered against the petitioners, the petitioners have remedy under the law to seek quashment of the criminal proceedings and FIR.
8. As far as the decision and decision making process in the present case is concerned, I do not find any ground to interfere with the same in exercise of jurisdiction under Article 226 of the Constitution of India.
9. Accordingly, the writ petition is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

Manindra Mohan Shrivastava
Judge

Ashu