

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.17073 OF 2016

ORDER:

The Writ Petition is filed alleging violation of the instructions issued vide proceedings No.343/CDP /Ibrahimpattanam/MLA/2014, dated 30.10.2015, of the

2nd respondent, in entrusting the works under MLAs./MLCs. Constituency Development Programme during the year 2014-15.

2. It is the case of the petitioners that in terms of the instructions issued by the 2nd respondent, the works costing less than Rs.5,00,000/- are to be entrusted to the Village Works Committee/Self-help Groups/User Groups consisting of stakeholders. Contrary to these instructions issued, the works are being entrusted to Contractors on the ground that there is no resolution passed by the respective Gram Panchayats. It is also the specific assertion of the petitioners that as a matter of fact, Gram Panchayat had passed a resolution and they are ready to undertake the works by entrusting the same to the Village Works Committee/Self-help Groups/User Groups. Hence, this Writ Petition.

3. Heard learned counsel for the petitioners and learned Government Pleader for Panchayat Raj.

4. *Prima facie* material placed on record discloses that the works are being entrusted to the Contractors in violation of the instructions issued by the 2nd respondent and though there is violation of the instructions, this Court is not inclined to interfere with as it is the duty and responsibility of the 2nd respondent to ensure that the instructions/guidelines issued by him with respect to utilization of funds are strictly adhered to by the sub-ordinate officers. In the present case, the petitioners had not

made any complaint or approached the 2nd respondent by bringing to his notice about the violation of the instructions that are issued.

5. One other aspect which is to be noticed in the present case is that the funds, which are sought to be utilized, are of the financial year 2014-15. It is evident from the material on record that the works appeared to have been entrusted by giving a work order on 26.03.2016 hardly leaving four days for execution of works. When the funds of the year 2014-15 are utilized before closure of the financial year the work has to be completed and same has to be certified. It is understandable as to how the works which are entrusted on 26.03.2016 by issuing work order would get complete within four days. The method of entrusting the work at the fag end of the financial year and making payments immediately thereafter by showing the completion of work is nothing but a fraud on the system which is required to be curbed by the authorities particularly monitoring authorities at the District Level/State Level.

6. In these circumstances, the District Collector, Ranga Reddy District, the 2nd respondent, shall also call for utilization of funds with respect to the scheme and take necessary action in accordance with law.

7. In those circumstances, the petitioners are given liberty to approach the 2nd respondent by setting the byelaws and also seeking necessary instructions to the necessary authorities to strictly adhere to the guidelines issued in utilization of funds. As and when such complaint is made to the 2nd respondent, he shall act on the same within a period of two weeks therefrom.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall

stand closed.

CHALLA KODANDA RAM, J

Date:02.06.2016
KH