

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15229 of 2016

ORDER :

The order dated 22.04.2016 made by the 2nd respondent-Collector in exercise of power under Section 249(6) of Andhra Pradesh Panchayat Raj Act, 1994 is challenged in the present writ petition.

Petitioner was issued two show-cause notices dated 01.04.2016, one alleging misappropriation of a sum of Rs.27,64,800/- and the other one alleging incurring of irregular and objectionable expenditure of Rs.23,18,264/-. So far as the allegation with respect to misappropriation, petitioner deposited the said amount in the bank account of Grampanchayat for the purpose of incurring expenditure. With regard to the 2nd notice in relation to the irregular expenditure of Rs.23,18,264/-, petitioner did not submit explanation.

However, learned counsel for petitioner contend that petitioner approached the respondent-authorities and requested time to gather the material and other details of the work and accounts from the concerned Engineering department. The impugned order is passed without giving sufficient time and opportunity to the petitioner even before petitioner could submit her explanation. It is also the contention of the learned counsel for petitioner that order impugned is a non-speaking order and there are no details before suspending the petitioner for a period of

three months from the Sarpanch post.

Learned Government Pleader opposes the writ petition and submits that the petitioner had failed to submit her explanation and as such, the 2nd respondent, having no other alternative, after considering the material on record, passed the order and the same cannot be faulted with. However, learned Government Pleader submits that considering the enormity of amounts involved and considering the nature of allegations, petitioner may be directed to submit explanation in a time-bound manner, which can be considered by the 2nd respondent.

In the facts of the present case, considering the seriousness of allegations which have been made against the petitioner, petitioner ought to have been given one more opportunity before passing final order. On a query from this Court, learned counsel for petitioner submits that within one week from today, the petitioner would submit her explanation which can be considered by the 2nd respondent. Considering the fact that huge amounts are involved and considering the fact that the petitioner is an elected representative, interests of justice would be served if the petitioner is given one more opportunity.

In the circumstances, the impugned order dated 22.04.2016 is set aside. Liberty is given to the petitioner to file her objections within one week from today, to enable the 2nd respondent to pass orders within four weeks thereafter. It is also made clear that if the petitioner

fails to submit her explanation, the 2nd respondent may pass orders *ex parte* and no further opportunity need be given to the petitioner.

Subject to above, the writ petition is disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

CHALLA KODANDA RAM, J

28th April 2016

ajr