

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.13355 OF 2016

ORDER:

The show cause notice-cum-suspending the cheque drawing power of the petitioner as Sarpanch is challenged before this Court.

It is the contention of the petitioner that on earlier occasion a show cause notice dated 05.02.2015 was issued to her alleging misuse of a sum of Rs.2,56,375/- irregularly under the guise of execution of works and that she had submitted her explanation and thereafter, the show cause notice was dropped. The impugned show cause notice dated 01.12.2015 is issued alleging mis-utilization of funds in the months of December, 2013 and February, 2014 apart from including the sums, which were subject matter of the earlier show cause notice, for which explanation was submitted by the petitioner and the said earlier show cause notice was dropped.

Learned counsel for the petitioner submitted that even as against the earlier show cause notice, detailed explanation has been submitted. It is the specific contention of the petitioner that the impugned show cause notice withdrawing the cheque power even for temporarily bring dis-repute to the petitioner and inasmuch as the same has been done without application of mind and without considering the facts, the same is liable to be interfered with by this Court.

This writ petition is opposed by the learned Government Pleader appearing for the respondents.

A perusal of the material on record reveal that on earlier occasion a show cause notice was issued to the petitioner alleging illegal withdrawal of Rs.2,56,375/- for execution of works, which amount tallies with Item Nos.4 and 5 of the present show cause notice. So far as other amounts are concerned i.e. Rs.14,100/- for purchase of printer the same was supported by a Grampanchayat resolution and with respect to item No.1 relates to the year 2013 is concerned, action has already been taken place in the year 2013. Punitive action is sought to be taken after a long lapse of two years. In these circumstances, suspension of the cheque drawing power, even pending enquiry, cannot be said to be justified. However, considering the fact that the show cause notice has been already issued and the petitioner had submitted her explanation, interest of justice would be served, if a direction is issued to the 2nd respondent to consider the petitioner's explanation and to pass appropriate orders strictly complying with the procedure contemplated under Rule 42 of the A.P. Panchayat Raj Building Rules, 2002 as notified in G.O.Ms.No.30, dated 20.01.1995.

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

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

CHALLA KODANDA RAM, J.

Date:21.04.2016.

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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