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HIGH COURT of CHHATTISGARH, BILASPUR**WPC No. 2423 of 2017**

Smt. Anju Yadav W/o Mohan Yadav, Aged about 30 years Up-Sarpanch, Gram Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur (Chhattisgarh).

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Lokpal / Appellate Authority, Mahatma Gandhi National Rural Employment Guarantee Scheme, Raipur District Raipur. Chhattisgarh.
3. Collector, Raipur, District Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Raipur, District Raipur (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Arang, Raipur, District Raipur (Chhattisgarh)
6. Sanjay Chandrakar, the then Sarpanch, Gram Panchayat Village Panchayat Kutela (Mohmela), Janpad Panchayat Arang, Raipur, District Raipur (Chhattisgarh)

---- **Respondents****WPC No. 2518 of 2017**

Smt. Anju Yadav W/o Mohan Yadav, Aged about 30 years Up - Sarpanch, Gram Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur Chhattisgarh.

---- **Petitioner****Vs**

1. State of Chhattisgarh Through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Lokpal / Appellate Authority, Mahatma Gandhi National Rural Employment Guarantee Scheme, Raipur, District Raipur Chhattisgarh.
3. Collector, Raipur, District Raipur Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat, Raipur, District Raipur Chhattisgarh.

5. Chief Executive Officer, Janpad Panchayat, Arang, District Raipur Chhattisgarh.
6. Smt. M. Mishra (then - Coordinator Incharge), Janpad Panchayat Arang, District Raipur Chhattisgarh.

---- Respondents

WPC No. 2509 of 2017

Smt. Anju Yadav W/o Mohan Yadav, Aged about 30 years Up-Sarpanch, Gram Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Lokpal/ Appellate Authority, Mahatma Gandhi National Rural Employment Guarantee Scheme, Raipur, District Raipur, Chhattisgarh.
3. Collector, Raipur, District Raipur, Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat Raipur, District Raipur, Chhattisgarh.
5. Chief Executive Officer, Janpad Panchayat Arang, District Raipur, Chhattisgarh.
6. Kuleshwar Prasad Devdas, the then Panchayat Secretary, Village Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur, Chhattisgarh.

---- Respondents

WPC No. 2512 of 2017

Smt. Anju Yadav W/o Mohan Yadav, Aged about 30 years Up- Sarpanch, Gram Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur, Chhattisgarh.

---- Petitioner

Vs

1. State of Chhattisgarh Through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Lokpal/ Appellate Authority, Mahatma Gandhi National Rural Employment Guarantee Scheme, Raipur, District Raipur, Chhattisgarh.

3. Collector, Raipur, District Raipur, Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat Raipur, District Raipur (Chhattisgarh).
5. Chief Executive Officer, Janpad Panchayat Arang, District Raipur, Chhattisgarh.
6. Praveen Kumar Thakur (the then Technical Assistant), Janpad Panchayat Arang, District Raipur, Chhattisgarh.

---- Respondents

And

WPC No. 2498 of 2017

Smt. Anju Yadav W/o Mohan Yadav, Aged about 30 years Up - Sarpanch, Gram Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur Chhattisgarh.

---- Petitioner

Vs

1. State of Chhattisgarh Through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Lokpal / Appellate Authority, Mahatma Gandhi National Rural Employment Guarantee Scheme, Raipur, District Raipur Chhattisgarh.
3. Collector, Raipur, District Raipur Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat Raipur, District Raipur Chhattisgarh.
5. Chief Executive Officer, Janpad Panchayat Arang, District Raipur Chhattisgarh.
6. Ganesh Yadav, (the - then Rozgar Sahayak), Village Panchayat Kutela (Mohmela), Janpad Panchayat Arang, District Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Ms. Hamida Siddiqui, Advocate.
For Respondent No. 1 & 3	:	Mr. Gary Mukhopadhyay, Dy. G.A. for the State.
For Respondent No.6	:	Mr. Praful N. Bharat with Mr. Mayank Chandrakar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/09/17**

1. Learned counsel appearing on behalf of the petitioner would submit that on the complaint made by the petitioner Smt. Anju Yadav, Lokpal (District Raipur) has passed an award dated 16.01.2017 directing disciplinary action to be taken against the private respondents against which the private respondents preferred an appeal to the Appellate Authority, MNREGA, Raipur. The said Appellate Authority by its impugned order dated 01.05.2017 has allowed the appeal of the private respondents by setting aside the order passed by the Lokpal, feeling aggrieved against which this writ petition under Article 226 of the Constitution has been preferred by the petitioner.
2. Ms. Hamida Siddiqui, learned counsel for the petitioner would submit that the petitioner is the complainant and on her complaint certain recommendation has been made by the Lokpal and though she has been impleaded as party in the appeal preferred by the private respondents, but no notice has been issued to the petitioner and without affording any opportunity of hearing to her the impugned award has been passed by the Appellate Authority setting aside the order of the Lokpal.
3. On the other hand, Mr. Gary Mukhopadhyay, learned State counsel would submit that from the records it does not appear that the petitioner was not issued notice and opportunity of hearing was not afforded to her.
4. Mr. Prafull N. Bharat, learned counsel appearing on behalf of the private respondents would submit that notice for spot inspection has been issued to the petitioner and the petitioner was present at the time of spot inspection.
5. I have heard learned counsel appearing for the parties and perused

the impugned order with utmost circumspection.

6. It is apparent on the face of the record that though the petitioner has been impleaded as party in the appeal but she has not been issued any notice and without affording any opportunity of hearing to the petitioner, the impugned order was passed by the Appellate Authority, whereas on her complaint, recommendations were made by the Lokpal for initiation of disciplinary proceedings against the private respondents as well as for recovery of the embezzled amount. Therefore, it is incumbent on the part of the respondent authorities to issue notice to the petitioner and to give proper opportunity of being heard and as such the impugned order passed by the Appellate Authority is in violation of the principles of natural justice.
7. As a fallout and consequence of aforesaid discussion, the impugned order is set aside and all the appeals are restored to the file of Lokpal, MNREGA, Raipur for final disposal in accordance with law after hearing both the parties. However, the petitioner would be at liberty to raise all the permissible grounds before the Appellate Authority.
8. The writ petition is allowed to the extent indicated herein above. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge