

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3740 of 2017

Surat Bariha S/o Durodhan Bariha, Aged About 27 Years Secretary, Gram Panchayat Karrakot, Tahsil Baramkela, District Raigarh. Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Office & Police Station Raipur Distt. Raipur (Chhattisgarh)
2. Collector Cum District Programming Coordinator, Mahatma Gandhi National Rural Employment Guarantee Act (M G N R E G A), District Raigarh. Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh, Chhattisgarh.
4. Sub Divisional Officer (Revenue), Sarangarh, District Raigarh (Chhattisgarh).
5. Chief Executive Officer, Janpad Panchayat, Baramkela, District Raigarh (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri B.D. Guru, Advocate
For State	:	Shri S.P. Kale, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/08/2017

Heard.

1. The petitioner's grievance is that pursuant to show cause notice issued by Sub-Divisional Officer proposing action under Section 92 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, the petitioner submitted his reply and a substantial defence was taken by the petitioner but without making factual enquiry with regard to petitioner's reply that the payment has been made directly to the MGNREGA

labourers, in their accounts and funds are maintained under Janpad Panchayat, MGNREGA account, again notice has been issued to deposit the amount without consideration of the defence. It would be appropriate, at this stage, to dispose off the matter with the direction to the Sub-Divisional Officer to consider the petitioner's reply, make necessary enquiry and pass speaking order before proceeding to make any recovery against the petitioner.

2. Learned Deputy Advocate General would submit that the officer would make necessary enquiry upon consideration of the defence of the petitioner and pass speaking order before proceeding to make any recovery against the petitioner.
3. The petition is disposed off, at this stage.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha