

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 683 of 2017

Gram Panchayat Sihawa Gram Sihawa, Block Nagri, District Dhamtari (Chhattisgarh) Through The Sarpanch, Gram Panchayat Sihawa, Block Nagri, District Dhamtari (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan New Mantralaya, District Raipur, (Chhattisgarh).
2. The Collector, Dhamtari, District Dhamtari (Chhattisgarh).
3. The Chief Executive Officer, Jila Panchayat, Dhamtari, District Dhamtari (Chhattisgarh).
4. The Chief Executive Officer, Janpad Panchayat Nagri, District Dhamtari (Chhattisgarh).
5. Executive Engineer, Rural Engineering, Service Division Dhamtari (Chhattisgarh).

---- Respondents

Shri S.K.Thomas, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State / respondents 1, 2 and 5.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/03/2017

The petitioner is a Panchayat Institution (Gram Panchayat) which has filed this petition assailing the order passed by the Collector on 02/03/2017 by which, the Collector has directed certain work of construction of building under Government scheme of Atal Samrasta Bhawan Nirman to be executed by any agency other than the Gram Panchayat.

2. Learned counsel for the petitioner submits that the Collector has passed the order directing execution of work by an agency other than the Gram Panchayat contrary to the direction issued by the State Government on 06/07/2015 (Annexure P/2). He submits that earlier, the petitioner (Gram Panchayat) was identified as the

agency for construction of the building but later on, the Collector has now directed the work to be executed by Executive Engineer of Rural Engineering Services of the Government.

3. Submission of learned counsel for the petitioner is that the Government's policy was extended to ensure that the construction is done only through the agency of the Gram Panchayat so that the local persons may get employment by way of engagement as skilled and unskilled labourers.

This by itself does not give the petitioner / Gram Panchayat any legal right to challenge the order because the Gram Panchayat is not an individual to say that it was awarded the work for any profit and earning.

4. However, it appears that the Government had issued a circular on 06/07/2015 that for execution of construction work, the Government has directed that work upto Rs.20 lakhs may be executed through the Gram Panchayats. The circular, however, is not clear whether it will also apply in the matter of construction of the nature as in the present case. In any case, this matter can only be examined by the Government and not by this Court.

5. Therefore, this petition is finally disposed off with a direction that the Government, in the department of Panchayat and Rural Development shall examine this aspect and take appropriate decision whether the work should be executed by the Gram Panchayat or by the Rural Engineering Services.

The decision may be taken by the Government within a period of three weeks from the date of submission of copy of this order in the office of Secretary, Panchayat and Rural Development department.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge