

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3819 of 2017

1. Udhav Prasad Sahu S/o Mohit Ram Sahu, Aged About 40 Years
Secretary, Gram Panchayat Baigindih, R/o Baigindih, Tahshil Baramkela-
District- Raigarh, Chhattisgarh.
2. Purandar Sidar, S/o Salik Ram Sahu, Aged About 31 Years Gram Rojgar
Sahayak, Gram Panchayat Baigindih, R/o Baigindih, Tashil Baramkela,
District Raighr, Chhattisgh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat
And Rural Development, Mahanadi Mantralaya, Maya Raipur, Post Office
& Police Station Naya Raipur, District Raipur, Chhattisgarh.
2. Collector- Cum- District Programming Coordinator, Mahatma Gandhi
National Rural Employmnet Guarantee Act (Mgnrega), Raigarh, 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 Petitioners	:	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

18/08/2017

Heard.

1. The petitioner' 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 petitioners

submitted their reply and a substantial defence was taken by the petitioners but without making factual enquiry with regard to petitioners' 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 petitioners' reply, make necessary enquiry and pass speaking order before proceeding to make any recovery against the petitioners.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge