

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.19837 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleaders for Panchayat Raj & Revenue for respondent Nos.1 to 7 respectively and also recorded the offer to file vakalath by Sri Ch. Ravi for respondent No.8, from the oral instructions and perused the prayer in the writ petition with the supporting affidavit and other material on record including the so called impugned proceedings Rc.No.4357/2016/A2 dated --.06.2017, under which the earlier interim suspension of three (03) months pursuant to the order of this Court in W.P.No.1695 of 2017 dated 19.01.2017, the authorities have no power to pass any order blanket of suspension permanently including by invoking Rule 42 of G.O.Ms.No.30, PR, RD & R dated 20.01.1995 in relation to Taxes & Other Lodging of Moneys Gram Panchayat Fund, hence to pass appropriate orders. By referring to it, original 3 months interim suspension under guise of Rule 42 (2) supra was passed and again extended by the impugned proceedings Rc.No.4357/2016/A2 dated --.06.2017. The earlier writ petition direction also refers to Rule 42 and the scope of law laid down in **Bandameedi Narayana Vs. Banda Meedi Rajaiah**¹ apart from another expression of this Court in **Somagani Venkata Subbamma Vs. District Panchayat Officer, Krishna District & Another**², which says it is not competent for the District Panchayat Officer to suspend the cheque drawing power of Sarpanch permanently.

¹ 2006 (4) ALD 4

² 2006 (4) ALD 1

Here though Rule 42 Sub Rule 2 referred by the learned Government Pleader permits to pass any order pending enquiry for taking a final decision, there is no provision of extension from time to time without passing final order that too without assigning appropriate reason covered by the impugned proceedings.

Having regard to the above and in the result, the Writ Petition is disposed of by setting aside the impugned proceedings by extension of the original period of three (03) months of interim suspension, with a direction to pass final order within four (04) weeks from the date of receipt of a copy of this order. Till passing of final order, the petitioner's cheque power shall be revived forthwith.

Consequently, miscellaneous petitions, if any, shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.06.2017
ska