

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 25543 of 2017

ORDER:

Heard learned Senior Counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondent Nos.1 to 5 and learned counsel for respondent No.6.

The petitioner was elected as Sarpanch, Gram Panchayat, Saidapur Village and Mandal, Karimnagar District, during the elections conducted in 2013 and assumed the post as such on 31.07.2013. While so, one K.Vidwan Reddy alleged some irregularities against the petitioner and submitted a complaint to respondent No.4- District Panchayat Officer, Karimnagar, who, in turn, issued a show cause notice to the petitioner on 16.06.2017 levelling five allegations which are all minor except the allegation relating to supply of water through 1 ½ inch pipe line to his house, without any permission. The petitioner submitted his explanation on 30.06.2017 and when respondent No.4 passed an order on 24.07.2017 suspending the petitioner as Sarpanch for a period of three months, the present writ petition is filed.

It appears that on the complaint of respondent No.6 herein, respondent No.4 directed the Extension Officer, Panchayat Raj, Saidapur to conduct an enquiry. Accordingly, an enquiry was

conducted and a report was submitted on 01.06.2017. In the report, the Enquiry Officer stated that the petitioner refused to take the notice and did not furnish any information when he wanted to conduct the enquiry. However, the enquiry from the Electricity Department revealed that the petitioner has been running the water plant. Ultimately, the Enquiry Officer stated that the petitioner being in responsible position of Sarpanch, has been running a water plant by drawing water from the Panchayat for the last five years and has not been cooperating with the Officers. The report, dated 01.06.2017 was not furnished to the petitioner. However, the show cause notice as aforesaid was issued on 06.06.2017 and the petitioner submitted his explanation on 13.06.2017. In pursuance thereof, the impugned order was passed merely stating that the explanation submitted by the petitioner was not satisfactory. It was also stated that the petitioner misused his position and the same is proved in the enquiry. The orders were passed under Section 249 (6) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), which provides for suspension for a period not exceeding three months, pending investigation into the charges.

Now, there is nothing to be investigated and already a report was called for from respondent No.5. A copy of the same was not furnished to the petitioners. In the circumstances, this Court feels that the impugned order is not in accordance with

Section 249 (6) of the Act and the same is accordingly set aside. This order will not prevent the authorities from enquiring into the allegations against the petitioner by drawing the clear cut charges, communicating the same to the petitioner, receiving explanation from him on the charges and taking action thereof.

The writ petition is accordingly allowed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Dt:03.08.2017

kdl

A.RAMALINGESWARA RAO,J

