

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30882 OF 2017

ORDER

The petitioner states that he is a resident of Kuravi Village and a Graduate in B.Com (Computers). Pursuant to the notification issued by the Gram Panchayat, Kuravi, he was awarded the contract for rendering services as Computer Operator. Respondent No.8 is working as Panchayat Secretary, Gram Panchayat, Nerada, Mahabubabad District. Since there was no regular Panchayat Secretary, respondent No.8 was given Full Additional Charge of Kuravi Gram Panchayat. While so, on the complaint dated 18.5.2015 lodged by one Meka Nagi Reddy and other ward members, the 4th respondent-Divisional Panchayat Officer conducted enquiry against the 8th respondent and submitted a report to the 3rd respondent on 28.5.2015 and 4.6.2015. In the said report, necessary disciplinary action was recommended against the 8th respondent. On receipt of the said report, the 2nd respondent-District Collector suspended the 8th respondent from the post of Panchayat Secretary, Nerada, *vide* proceedings dated 27.6.2015. Pursuant to the same, the 8th respondent submitted a representation on 3.7.2015 to the 2nd respondent to re-consider the issue and to withdraw the allegations made against him. The 2nd respondent *vide* proceedings dated 20.08.2015 directed the 3rd respondent to take steps for enquiry. Thereafter, another enquiry was also conducted by the Extension Officer, PR&RD, Mandal

Praja Parishad, Kuravi and submitted a report to the 3rd respondent stating that the 8th respondent failed to submit the records with regard to the allegations made against him. Thereafter, after formation of Mahabubabad District, the District Collector, Mahabubabad, *vide* proceedings dated 20.12.2016 appointed the 5th respondent-Mandal Parishad Development Officer as Enquiry Authority and the 6th respondent as Presenting Officer. It is stated that all the proceedings alleged to have been taken place against the 8th respondent only. However, when a report was submitted to the 2nd respondent on 20.4.2017 referring the name of the petitioner, the 3rd respondent issued a show cause notice on 17.8.2017 directing him to deposit a sum of Rs.7,56,485/- and the present writ petition is filed.

A counter-affidavit is filed by the 7th respondent stating that the 4th respondent-Divisional Panchayat Officer conducted preliminary enquiry and submitted a report to the 3rd respondent-District Panchayat Officer on 28.5.2016 and 4.6.2015. The 5th respondent was appointed as Enquiry Officer *vide* proceedings dated 20.12.2016 into the charges levelled against the 8th respondent and after conducting enquiry, submitted a report dated 20.4.2017 before the 2nd respondent. The enquiry revealed the collection of amount and deposits made in the Treasury by the Panchayat Secretary and other staff including the petitioner. The petitioner collected a sum of Rs.17,78,165/- under receipt book No.58 and deposited only Rs.8,50,000/- and thus, the balance

amount of Rs.7,56,485/- was withheld by him. The petitioner used 20 receipts from receipt book No.58, out of which, except Receipt No.5707, dated 11.4.2015, remaining 19 receipts were used with the signatures of the petitioner and he collected an amount of Rs.7,56,485/-, but the same was not deposited in the Treasury. In spite of several requests by the then Panchayat Secretary, the petitioner did not respond the same. Hence, the then Panchayat Secretary addressed a letter dated 25.5.2015 to the 3rd respondent, who, in turn, issued a direction to the then Panchayat Secretary on 4.6.2015. The then Panchayat Secretary lodged a complaint against the petitioner before Kuravi Police Station, which was later on withdrawn due to pendency of enquiry. The enquiry report clearly revealed that the petitioner collected an amount of Rs.7,56,485/-, but did not deposit the same in the Treasury.

A reading of the impugned order shows that though a personal enquiry was conducted on 19.6.2017, the petitioner did not appear on that day and hence, the show cause notice was issued on 17.8.2017 for recovery of the amount of Rs.7,56,485/-.

Learned counsel appearing for the petitioner submits that no notice was issued and no enquiry was conducted at any point of time against the petitioner.

Since the impugned show cause notice directs the petitioner to deposit a sum of Rs.7,56,485/- without conducting any enquiry, the same is set aside. However, this order will not preclude the

respondent-authorities to conduct enquiry against the petitioner and take necessary action in accordance with law.

Accordingly, the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

1ST November, 2017

rkk

