

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35287 of 2016

ORDER:

This writ petition filed under Article 226 of the Constitution of India, challenges the order passed by the District Collector, Mahaboobnagar District/second respondent herein vide proceedings bearing No.A5-1/723/2016, dated 03.10.2016.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj for the respondents.

3. The principal grievance of the petitioner in the present writ petition is indefinitely keeping the Sarpanch of the Grampanchayat under suspension is impermissible as per the provisions of Section 249 (6) of the Telangana Panchayat Raj Act, 1994. In order to consider the said aspect, it may be appropriate to refer to the provisions of sub-section 6 of Section 249 of the Act, 1994, which reads as under:

“249. Powers of Government to remove Sarpanch, President or 'Chairman etc:

(6) if the District Collector is of the opinion that a Sarpanch or a Upa-Sarpanch or any member of a Gram Panchayat of the Government are of the opinion that any President or Vice-President or the Chairperson or Vice-Chairperson or any member of a Mandal Parishad or Zilla Parishad willfully omitted or refused to carry out the orders of Government for the proper working of the concerned local body or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned local body or the inhabitants of the village Mandal or District the District Collector or as the case may be, Government may by order, suspend such Sarpanch or Upa-Sarpanch or President or Vice President or as the case may be, the Chairperson or Vice-Chairperson or member from office for a period not exceeding three months pending investigation not the said charges and action thereon under the foregoing provisions of this section.”

4. It is very much evident from the above provision of law that the District Collector is empowered to suspend the Sarpanch for a period of three months only. In the instant case, the impugned order does not stipulate any such period. It is also the submission of the learned counsel for the petitioner that even though the Government is competent to extend the period of suspension for a further period not exceeding three months, the Government did not grant such extension. Therefore, indefinitely keeping the petitioner/Sarpanch under suspension under Section 249 (6) of the Act, in the facts and circumstances of the case, is impermissible.

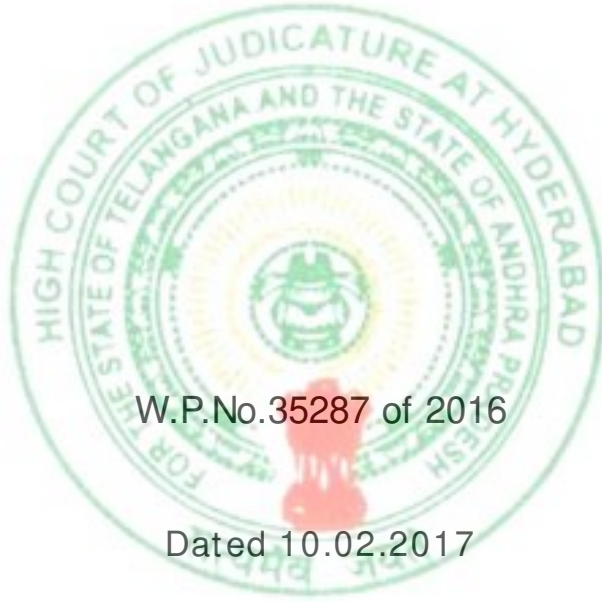
5. For the aforesaid reasons, writ petition is allowed, setting aside the proceedings No.A5-1/723/2016, dated 03.10.2016 and consequently the respondents are directed to permit the petitioner to officiate his office as the Sarpanch of the Grampanchayat. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date:10.02.2017
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A.V.SESHA SAI, J

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