

WRIT PETITION No.17753 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to declaring the action of the respondent authorities, particularly Respondent No.2&3 in issuing the show cause notice on 02-05-2017 to the petitioner for offering the explanation for objectionable expenditure of Grampanchayat funds Rs.33,04,949/- in similar to the show cause notice dt 20-6-2016 with same allegations i.e, the objectionable amount of Rs.33,04,949/- after submitting the detailed explanation on 19-09-2016 and request letter dt.30-04-2017 by the petitioner as illegal, arbitrary and against the principles of natural justice in contrary to the Section 249(1) & (6) of Telangana State Panchayat Raj Act 1994 and consequently to suspend the operation of the show cause Notice No.2176/16-A3 (Panchayatraj Wing) dt.02-05-2017 issued by the 2nd respondent and to pass such other orders as are necessary in the interests of justice.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj (Telangana) appearing for respondents and perused the order passed by this Court on 06.02.2017 in W.P.No.3903 of 2017 and paras 4 to 6 of the said order read as under:

“4. The learned Government Pleader has placed on record the written instructions furnished by the District Panchayat Officer, Medchal-Malkajgiri District and the last paragraph of the said instructions reads as under:-

“the explanation of the Sarpanch, Grampanchayat Gundlapochampally has been examined with reference to the connected records of the Grampanchayat and came to a conclusion that rules are not followed by purchase electrical goods and only vouchers are available. Under PWS Materials certificate was attested concerned Assistant Engineer no MB was recorded. No misuse of funds found. Only procedural lapses were found. Keeping in view of the above lapses cheque drawing powers of the Sarpanch was prohibited through this office Proc.No.2176/2016/A1, dated 09-12-2016.”

5. Therefore, having regard to the submissions of the learned Government Pleader, this Court deems it appropriate to direct the 2nd respondent-District Collector (PanchayatWing), Medchal District at Kessara to take appropriate action and pass

appropriate final orders in accordance with law within a period of two months from the date of receipt of a copy of this Order.
6. Accordingly, the writ petition is disposed of at the stage of admission."

The grievance of the petitioner from the averments of the affidavit filed in support of the writ petition and also from the oral submissions of the learned counsel for the petitioner is that having already received explanation and conducted enquiry by the respondents, pursuant to the directions of this Court in W.P.No.3903 of 2017, there is no need of again calling for explanation by issuing impugned show cause notice.

Having regard to the above, the writ petition is disposed of, directing the respondents to proceed against the petitioner on the explanation already submitted by him and enquiry conducted if any and pass final orders pursuant to the earlier directions of this Court, within one month from the date of receipt of copy of this order. Meantime, no coercive steps to be taken against the petitioner, pursuant to the impugned show cause notice dated 02.05.2017.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:05.06.2017
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Dr. B.SIVA SANKARA RAO J,