

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 6922 of 2017

Order:

The petitioner is a Zilla Sarpanchula Sangham, Guntur. They have filed the present Writ Petition challenging the proceedings dated 18.10.2016 to the extent of imposing a condition of counter signature of Extension Officer as contrary to G.O.Ms.No.431, dated 30.10.2013.

A reading of G.O.Ms.No.431 dated 30.10.2013 shows that the said order was issued rescinding the orders in Government Memo dated 19.05.2011 and G.O.Ms.No.385 dated 19.08.2013 and reiterating Rule 40 of Rules relating to "Certain Taxes and Lodging of Moneys received by the Gram Panchayat and payment of Money from the Gram Panchayat Fund" issued in G.O.Ms.No.30 dated 20.01.1995 which provided for signature of Sarpanch of Gram Panchayat in all orders or cheques against the Gram Panchayat Fund. But, it appears that when 14th Finance Commission Grants were released in first instalment for 2016-17, while allocating the Grants to the Gram Panchayats in Guntur district, the second respondent issued an order on 18.10.2016 stipulating the counter signature of the Extension Officer (PR&RD) for interest of transparency and accountability as ordered in the Government Memo dated 19.05.2011 for proper utilization of said funds released by the Government and not misusing the Grants released by the Central Government. When the Government issued G.O.Ms.No.431 dated 30.10.2013 in exercise of its rule making power, the second respondent should not have issued a contrary order.

No counter affidavit is filed in the instant case, but since the facts are very clear, the Writ Petition requires to be allowed, in view of G.O.Ms.No.431 dated 30.10.2013, by setting aside the condition imposed

for counter signature of the Extension Officer in all cases of drawal of panchayat funds along with the Sarpanch. However, this will not prevent the second respondent from taking appropriate action in specific instances where there is misuse of funds for issuing appropriate orders for joint signature of the Extension Officer and the Sarpanch in exercise of the powers conferred on the second respondent under the provisions of the Panchayat Raj Act.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 10.10.2017
Nsr

A. RAMALINGESWARA RAO, J

