

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42591 OF 2017

ORDER:

This writ petition is filed challenging the proceedings in Memo No.8469/Pts.1/A2/2017, dated 10-11-2017 in appeal No.8469/2017 wherein and whereby stay petition filed by the petitioner against the order of 2nd respondent dated 18-08-2017 removing the petitioner from the post of Sarpanch is dismissed.

Learned counsel for the petitioner submits that impugned order travelled beyond the charges framed in the show-cause notice and on baseless allegations, the impugned order is passed. He also submits that original order of removal on 18-08-2017 is passed without following principles of natural justice, as the documents requested by the petitioner is not supplied to him. He also submits that order dated 18-08-2017 also travelled beyond the allegations in the show-cause notice, which is in violation of principles of natural justice and the appellate authority has not considered the application in the stay petition in proper perspective.

On the other hand, learned Assistant Government Pleader for Panchayat Raj submits that charges against the petitioner are grave in nature and inspite of providing repeated opportunities, he has not availed the same. Though the petitioner has withdrawn the amounts, he has not shown accounts for the same in expenditure books and the authorities have come to conclusion that amounts were misappropriated

and he has not come forward to make good the loss. He also submits that stay petition is considered and prima facie found serious allegations against the petitioner and rightly rejected and no interference is called for.

It is to be seen that charges are grave in nature and the petitioner has withdrawn the amounts, but the same were not entered in expenditure books maintained. The order dated 18-08-2017 also goes to show that prima facie contentions raised by the petitioner is considered and elaborate order was passed and stay petition was also considered elaborately by referring to his contentions and found that there is no ground for granting stay as the allegations are grave in nature. More so, the impugned order is in the nature of interlocutory order pending appeal.

In view of the same, I do not see any reason to entertain the writ petition and interfere with the impugned order by exercising power of judicial review under Article 226 of Constitution of India.

Accordingly, the writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

14-12-2017

Nvl



