

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2224 of 2014**

1. Parasram Rakesh, son of late Itwari Ram, aged 45 years, Sarpanch of Village Panchayat Santara, Tahsil Patan, PS Patan, District Durg (CG)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Department of Panchayat and Rural Development, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (CG)
2. The Collector, Durg (CG)
3. The Sub Divisional Officer, Patan, District Durg (CG)
4. The Chief Executive Officer, Janpad Panchayat, Patan, District Durg (CG)

---- Respondent

For Petitioner : Shri Pushpendra Singh Baghel, Advocate.
 For Respondent/State : Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/10/2018 :**

1. In a duly drawn proceeding under Section 40 of the CG Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam'), the Sub Divisional Officer (Revenue), Patan, District Durg has passed an order on 18.9.2014 removing the petitioner from the office of Sarpanch of Gram Panchayat Santara, Tehsil Patan, District Durg and the said order has been affirmed in appeal by the Collector, Durg.
2. It is argued that out of 9 charges levelled against the petitioner, only 2

charges have been found to be proved, therefore, the Sub Divisional Officer (Revenue) should not have directed for removal of the petitioner.

3. Learned State Counsel would support the impugned order.
4. A perusal of the papers available on record would indicate that upon submission of complaint by the villagers, a report was called from the CEO, Janpad Panchayat, Patan, who enquired and submitted a report finding acts and omissions including embezzlement of Panchayat fund committed by the petitioner. Thereafter the petitioner was served with a notice under Section 40 of the Adhiniyam in which he appeared and accorded consent to argue orally without examining any witness.
5. Both the authorities have found that the petitioner has got constructed road over embankment of village tank and that too was left incomplete. The said work was not in public interest. The petitioner had withdrawn the amount from the fund of 13th Finance Commission for construction of toilets but the toilets were not constructed. On other heads also the petitioner had withdrawn the amount and retained cash with him, which was not permissible under the relevant rules.
6. In view of the above, there are concurrent findings against the petitioner for being involved in embezzlement of Panchayat funds. Therefore, in view of the law laid down by the Hon'ble Supreme Court in the matter of **B.K. Muniraju v State of Karnataka and Others**¹, I am not inclined to interfere with the impugned order.
7. The Writ Petition being devoid of any substance deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve

¹ (2008) 4 SCC 451