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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 981 of 2018

- D.K. Soni, S/o Late Ramji Prasad Soni, Aged About 40 Years, R/o Navapara, Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahandi Bhawan, New Raipur, District Raipur, Chhattisgarh

2. Chandrabhan Kumar, Assistant Engineer, Gramin Yantriki Seva, Division 1, Ambikapur, District- Surguja, Chhattisgarh

3. Collector, Surguja, District- Surguja, Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guraranty Scheme (MANREGA) Raipur, Chhattisgarh

---- Respondent

WPC No. 650 of 2018

- D.K. Soni S/o Late Ramji Prasad Soni, Aged About 40 Years R/o Navapara , Tahsil Ambikapur District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department Mahanadi Bhawan New Raipur District Raipur Chhattisgarh

2. R. N. Chobey, Sub Divisional Officer, Gramin Yantriki Seva Division 1, Ambikapur District Surguja Chhattisgarh

3. Collector, Surguja District Surguja Chhattisgarh

---- Respondent

WPC No. 983 of 2018

- D.K. Soni S/o Late Ramji Prasad Soni Aged About 40 Years R/o Navapara , Tahsil Ambikapur District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department Mahanadi Bhawan New Raipur District Raipur Chhattisgarh

2. Akhilesh Rathor, Assistant Engineer, Gramin Yantriki Seva, Division 1, Ambikapur , District Surguja Chhattisgarh

3. Collector, Surguja District Surguja, Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guaranty Scheme (MANREGA) Raipur, Chhattisgarh

---- Respondent

WPC No. 985 of 2018

- D.K. Soni S/o Late Ramji Prasad Soni, Aged About 40 Years R/o Navapara, Tahsil Ambikapur, District Surguja Chhattisgarh.,

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. J.S. Paykara, Deputy Engineer, Gramin Yantriki Seva, Division 1, Ambikapur, District Surguja Chhattisgarh

3. Collector, Surguja, District Surguja, Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guraranty Scheme (MANREGA) Raipur Chhattisgarh

---- Respondent

WPC No. 986 of 2018

- D.K. Soni S/o Late Ramji Prasad Soni, Aged About 40 Years R/o Navapara, Tahsil Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh

2. T.S. Gill, Assistant Engineer, Gramin Yantriki Seva, Division 1 Ambikapur, District Surguja Chhattisgarh

3. Collector Surguja, District Surguja Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guraranty Scheme (MANREGA) Raipur Chhattisgarh

---- Respondent

WPC No. 1644 of 2018

- D.K.Soni S/o. Late Ramji Prasad Soni, Aged About 40 Years R/o. Navapara, Tahsil Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. Akhilesh Rathoor Assistant Engineer, Gramin Yantriki Seva, Division 1, Ambikapur, District Surguja Chhattisgarh

2. State Of Chhattisgarh, Through Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh

3. Collector, Surguja District Surguja, Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guaranty Scheme (MANREGA) Raipur Chhattisgarh

---- Respondent

WPC No. 1645 of 2018

- D.K.Soni S/o Late Ramji Prasad Soni, Aged About 40 Years R/o Nava Para, Tahsil - Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. R.N.Chobey, Sub Divisional Officer, Gramin Yantriki Seva, Division 1, Ambikapur, District Surguja Chhattisgarh

2. State Of Chhattisgarh, Through Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh

3. Collector, Surguja District Surguja, Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guraranty Scheme (MANREGA) Raipur Chhattisgarh

---- Respondent

WPC No. 1647 of 2018

- D.K. Soni S/o Late Ramji Prasad Soni, Aged About 40 Years R/o Navapara, Tahsil Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. T.S. Gill Assistant Engineer, Gramin Yantriki Seva, Division 1, Ambikapur, District Surguja Chhattisgarh

2. State Of Chhattisgarh, Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh

3. Collector, Surguja District Surguja, Chhattisgarh

4. Lokpal, Mahatma Gandhi National Rural Employment Guraranty Scheme (MANREGA), Raipur Chhattisgarh

---- Respondent

WPC No. 1648 of 2018

- D.K.Soni S/o Late Ramji Prasad Soni Aged About 40 Years R/o Nava Para, Tahsil Ambikapur , District Surguja Chhattisgarh

---- Petitioner

Versus

1. J. S. Paykara Deputy Engineer, Gramin Yantriki Seva Division 1, Ambikapur District Surguja Chhattisgarh

2. State Of Chhattisgarh, Through Secretary, Panchyat and Rural Development Department Mahanadi Bhawan New Raipur District Raipur Chhattisgarh

3. Collector, Surguja, District Surguja, Chhattisgarh

4. Lokpal Mahatma Gandhi National Rural Employment Guraranty Scheme (MANREGA) Raipur Chhattisgarh

---- Respondents

For Petitioner	Shri Vikram Dixit, Advocate
For Respondent-State	Mr. Astha Shukla, PL
For Respondent No.2 in WPC No.986/2018	Shri Amit Buxy, Advocate

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Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

08/10/2018

1. Petitioner lodged complaint with the Lokpal under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) against the engineers and officers, who were responsible and were supervising construction of stopdam at Champanala, Gram Panchayat Podikhurd, District Surguja and bridge in Village Panchayat Kuberpur, District Surguja. In the order passed by the Lokpal on 07.09.2017 (Annexure-P-4), the cause title is written as D. K. Soni, Advocate and RTI Activist vs Executive Engineer, RES Division -1, Ambikapur and other officers. Thus, officers against whom the Lokpal eventually passed an order of recovery were not heard individually nor they were made party to the proceedings before the Lokpal.

2. As a matter of fact, the officers namely, R. N. Choubey, Executive Engineer, Akhilesh Rathore, Assistant Engineer, G. R. Paikra, Sub Engineer, K. D. Banoudhe, Executive Engineer,

Chandrabhan Kumar, Assistant Engineer, P. C. Thakre, Assistant Engineer and T. S. Gil, Assistant Engineer preferred separate appeal before the Appellate Authority (MGNREGA). The said Appellate Authority has allowed the appeal preferred by the officers vide the impugned order, however, on this ocasion, according to the petitioner, he was neither noticed nor provided any opportunity of hearing by the Appellate Authority.

3. It appears, before the Lokpal, the officers were not heard individually and before the Appellate Authority, the petitioner was not heard, therefore, in order to hear both the parties before passing final order by the Lokpal, the matter is remitted back to the Lokpal for decision afresh in the matter after providing opportunity of hearing including personal hearing to both the parties. Both the impugned orders passed by the Lokpal as well as by the Appellate Authority are set aside.

4. The writ petitions stand allowed to the extent indicated above.

Sd/-
Prashant Kumar Mishra
Judge

Nirala