

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No 28110 of 2017

ORDER:

The petitioner claims that he is the Upa Sarpanch of Revoor Gram Panchayat, Revoor Village, Mellacheruvu Mandal, Suryapet District. The petitioner submits that on the enquiry report submitted by the District Audit Officer, Suryapet, several omissions and commissions committed by respondent No.5 came to be noticed and in spite of the same the respondent authorities have not taken any steps except withdrawing the cheque power of respondent No.5. In those circumstances, the present Writ Petition is filed seeking Writ of mandamus declaring the action of respondent No.2 in not taking any action in pursuance of the report submitted by respondent No.4 in consequence to the enquiry conducted into the allegations of mismanagement and misappropriation of amounts by respondent No.5 herein by taking into consideration the enquiry reports submitted into the charges leveled against respondent No.5 were proved as illegal, arbitrary and unjust and consequently direct the respondents to take action against respondent No.5 in the light of said enquiry reports.

2. Counter affidavit is filed by respondent No.3 denying various allegations as under:

“3. It is submitted that pursuant to the compliant dated 01/10/2014 made in the Prajavani and a complaint dated 24/09/2014 made by the petitioner and other ward members of Revoor Gram Panchayat and others on the allegations of misappropriation committed by the 5th respondent, on such complaint a preliminary enquiry was caused by the then Divisional Panchayat Officer and basing on the enquiry report dated 07/10/2014, after issuing show cause notice dated 02/12/2014 calling upon the 5th respondent to submit his explanation. The 5th respondent has submitted his explanation dated 20/12/2014 and after conducting hearing on 04/03/2015, the 2nd respondent issued the recovery notice dated 12/06/2015 to recover an amount of Rs.1,79,640/- as misappropriated amounts which were drawn in advance and holding by the 5th respondent. The order dated 17/07/2015 was passed by this answering respondent restricting the cheque drawing power of the 5th respondent for a period of one year and during which the Panchayat Secretary is directed to withdraw the amounts with the joint signature of the Mandal Development Officer, Mellacheruvu. After completion of the above said one year, the orders dated 17/07/2015 were further extended by order dated 08.08.2016. The report dated 30/04/2015 referred by the petitioner is not an enquiry report but (preliminary) finding report pertains to the allegations against the 5th respondent and explanation was submitted by him.

4. It is submitted that the 5th respondent questioned the Order dated 17/07/2015 and further extension order dated 08/08/2016 passed by 3rd respondent restricting the cheque withdrawing power by filing writ petition No.36542/2016 and this Hon'ble Court was pleased to dispose of the said writ petition on 02/11/2016 by placing the statement of this answering respondent that the case is pending with this answering respondent will be considered in accordance with law and disposed of within fifteen days from that day and directing this answering respondent to pass orders within fifteen days from that day.”

3. Heard the learned counsel for petitioner, the learned Government Pleader for Panchayatraj & Rural Development

(TG) for the respondents 1 to 3 and Sri S.Surender Reddy, learned counsel for respondent No.5.

4. A perusal of the counter affidavit and the averments therein disclose that the respondent authorities have already taken note of the audit report and also taken some steps.

5. In the above circumstances and considering the fact that this Court is not Supervisory authority over the proceedings of Respondents 3 & 4 and as it is also not desirable for this Court to monitor the disciplinary action that is being taken by the respondents, this Writ Petition is disposed of, with a direction to Respondents 2 & 3 to take necessary action, after taking into consideration the explanation that is submitted by respondent No.5, within eight (8) weeks from today. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

30.04.2018
MVA