

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.33829 of 2018

V.Arunachalam

.. Petitioner

Vs.

- 1 State of Tamil Nadu
Rep. by its Secretary to Government Rural
Development Department Fort St. George
Chennai - 600009
- 2 The Director
Rural Development Department Saidapet
Panagal Maligai Chennai - 600015
- 3 The District Collector
Nagapattinam and District
- 4 The Director
Directorate of Local Fund Audit Combined
Audit Office Campus 4th Floor Nandanam
Chennai - 35
- 5 The Director
Anti-Corruption and Vigilance Department
293 MKN Road Collectors Nagar Alandur
Chennai - 16
- 6 Block Development Officer
Village Panchayat Keelaiyur Panchayat Union
Keelaiyur Nagapattinam District
- 7 The Manager
Keelaiyur Panchayat Union Keelaiyur
Nagapattinam District
- 8 The Overseer
Keelaiyur Panchayat Union Keelaiyur
Nagapattinam District

9 Panneerselvam
Former President Karapidagai South
Panchayat Vettaikarairuppu Post Kilvelur
Taluk Nagapattinam District .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus Directing the 3rd respondent to take appropriate actions to see the objects of the welfare schemes viz Indra Awaas Yojana (IAY) Prime Minister Awaas Yojana (PMAY) Green Houses in respect of the welfare schemes implemented in the Karapidagai South Panchayat to reach the needy and poor people.

For Petitioner : Mr.J.Kamaraj

For Respondents : Mr.E.Manoharan,
Addl.Govt.Pleader for R1 to 6

O R D E R

(Order of the Court was made by S. MANIKUMAR, J.)

Petitioner, a resident of Thathanthiruvasal village, residing within the limit of Karapadigai South Panchayat, has filed this instant writ petition, praying for a direction to the District Collector, Nagapattinam District, the 3rd respondent herein, to take appropriate actions to ensure that the objects of welfare schemes viz Indra Awaas Yojana (IAY) Prime Minister Awaas Yojana (PMAY) Green Houses in respect of the welfare schemes implemented in the Karapidagai South Panchayat to reach the needy and poor people.

2. Petitioner has submitted that from 2010 to 2017 onwards various schemes were introduced by the Government for construction of concrete houses, under Indra Awaas Yojana (IAY), Prime Minister Awaas Yojana (PMAY), Green Houses Scheme, replacing small huts. The officials of the respondents prepared a list of beneficiaries, by obtaining some basic documents such as patta, ration cards Aadhar cards etc., to show their proof of their holdings. By the abovesaid schemes a sum of Rs.1,00,000/- to Rs.1,20,000/- was spent for each house. The said amounts were disbursed by the Block Development Officer, Village Panchayat, Keelaiyur Panchayat Union; the Manager, Keelaiyur Panchayat Union Keelaiyur; the Overseer, Keelaiyur Panchayat Union Keelaiyur, the respondents 6 to 8 herein, on the identification and recommendation of Mr.Panneerselvam, Former President Karapidagai South Panchayat, Nagapattinam District, the 9th respondent herein.

3. Petitioner has further submitted that there were irregularities in implementation of the housing scheme, and the petitioner has made several representations to the District Collector, Nagapattinam District, the 3rd respondent herein, and other respondents, through various representations explaining the irregularities committed. Since there was no reply, the petitioner sought for details under Right to Information Act, 2005 about the details of the beneficiaries, amount spent and period of time for construction of the houses. Upon perusal of the records furnished under RTI Act, 2005, it is seen that 23 persons have been shown as beneficiaries, under the various schemes and the amount spent to each beneficiary. Petitioner was shocked to see the list that as no such houses were built and no amount has been received by them, as alleged.

4. Petitioner has further submitted that as per the list provided under RTI Act, 2005 no such persons have received any amount and therefore the petitioner has submitted that respondents 6 to 8 are responsible for the said irregularities. Apart from the abovesaid housing schemes, various schemes had been implemented through the respondents 6 to 8, wherein only certain works were done. By the information obtained through RTI Act, 2005 it is seen that several beneficiaries are fictitious persons or they are not available in the villages during the relevant period of time. All are educated persons and able to read and write, but the respondents have shown them, as uneducated and put their thumb impression in the attendance register maintained by them and the monies from the government are being misused by the respondents 6 to 8 in collusion with 9th respondent.

5. Petitioner has further submitted that the programs announced by the government are implemented through the respondents. However, certain middle men like the elected office bearers of the local panchayat had taken the control of the welfare schemes and they see that the same are for the benefits of their own or their men in total ignorance of the true spirit of schemes. There is no improvement in the life of such people which is against the objectives of the Constitution of India and its directive principles. Even after several representations were sent to the respondents complaining about the irregularities, no action was taken by the respondents.

6. According to the petitioner, finding no positive response from the respondents, he has approached this Court for a writ of mandamus directing the District Collector, Nagapattinam District, the 3rd respondent herein, to take appropriate action

to ensure that the objects of the welfare schemes viz Indra Awaas Yojana (IAY), Prime Minister Awaas Yojana (PMAY), Green House in respect of the welfare scheme is implemented in the Karapidagai South Panchayat to reach the needy and poor people.

7. When the matter came up for hearing on 11.03.2019, this Court perused the files placed on record and passed the following order:

"Based on the reply received under the Right to Information, dated 29/5/2017, Mr.J.Kamaraj, learned counsel for the petitioner submitted that though 23 persons in the said list have been shown to be completed the construction, as per the counter affidavit filed by the Block Development Officer, Village Panchayat, Keelaiyur, fourteen persons alone have not been paid the amount spent for construction and that inviting the attention of the photographs, enclosed in the typed set of papers submitted that there is illegality and irregularity in the implementation of Indra Awaas Yojana (IAY), Prime Minister Awaas Yojana (PMAY), Green House, in respect of the Welfare Schemes, implemented in Karapidagai South Panchayat, to reach the needy and poor people.

2. Block Development Officer, Village Panchayat, Keelaiyur, in his counter affidavit, at paragraph Nos.4, 6 and 7 has narrated as hereunder:-

"4. It is submitted that the scheme Indra Awaas Yojana, which used to be a component of Jawahar Rozgar Yojana became an independent scheme from 1997 - 1998 onwards. Its objective is construction of free houses to members of the Scheduled Castes/Scheduled Tribes, Freed Bonded Labourers in rural areas and also to non SC/ST rural poor living below poverty line. The beneficiaries are selected from the Below Poverty Line (BPL) list approved by the Grama Sabha. Atleast 60% of the total IAY allocation during a financial year should be utilised for construction/upgradation of dwelling units for SC/ST BPL rural households. A maximum 40% of allocation is for non-SC/ST BPL rural households. 3% of the above categories should be allocated for physically and mentally challenged persons. Government of India has also asked the States to earmark 15% of the beneficiaries from amongst minorities. It is funded by the Centre and State in the ratio of 75:25. Further, the sharing pattern of Central and State has been changed as 60:40 from the year 2015-16 onwards. It is submitted that from the year 2015 - 16 onwards, payments to the beneficiaries are being credited to their bank account

through Public Financial Management (PFMS). It is further submitted that for the year 2015 - 16, order have been issued in G.O.(Ms) 59, RD & PR (CGS.1) Dept dated 15/4/2015 to converge IAY with MGNREGS by providing 90 man days to each beneficiary and also order has been issued to converge IAY under SBM (G) scheme. It is further submitted that the beneficiary list is being selected by the Village Panchayat council through its resolution and further process was taken for the construction of houses under the above scheme. It is submitted that in so far as implementation of the above scheme in Karapidagai South Village Panchayat, the following number of houses were constructed by the concerned beneficiaries.

1.	No. of beneficiaries 2012 - 13	...	13
2.	No. of beneficiaries 2013 - 14	...	06
3.	No. of beneficiaries 2014 - 15	...	13
4.	No. of beneficiaries 2015 - 16	...	12

It is submitted that all the beneficiaries were selected by the Village Panchayat council through its resolution and the execution work was duly monitored by the 6 to 9 respondents herein. It is submitted that there was no irregularity in the implementation of the scheme and there was no complaint whatsoever either with regards to the selection of beneficiaries or in the implementation of the scheme. While so, the petitioner has filed the present writ petition.

6. Regarding the averments in para 4 of the affidavit of the petitioner, it is submitted that among other village level development schemes, Indra Awaas Yojana (IAY), Prime Minister Awaas Yojana (PMAY), Green House schemes were also implemented in Karapidagai South Village as per the guideline issued by the Central and State Government. It is further submitted that funding under the above schemes were mentored and disbursed through the village panchayat till 2014-15 and consequently, the above scheme works were directly monitored and implemented by the Block Development Officer (Village Panchayat) concerned. It is further submitted that the beneficiaries under the above scheme were selected only through the Village Panchayat Council as per the guidelines issued by the Government.

7. Regarding the averments in para 5 of the affidavit of the petitioner, it is submitted that

there was personal motive between the petitioner and the ninth respondent herein and therefore, the petitioner is in the habit of sending complaint and representations frequently against the ninth respondent. It is further submitted that because the tenure of the President of Village Panchayat was over in the month of October 2016, the petitioner is giving representations to the other respondents raising allegations without any basis. It is submitted that in reply to the applications made by the petitioner, the list of selected beneficiaries was furnished to the petitioner. It is submitted that the construction of house under the above scheme has to be executed directly by the beneficiaries and only after completion of such construction work, the amount sanctioned under the scheme was paid through cheque by the resident of the Village Panchayat till 2014 - 15 and subsequently, payment is being made through Electronic Clearance System. It is further submitted that some of the beneficiaries selected by the Village Panchayat council have not come forward to start construction work and hence question of payment of money does not at all arise. The below mentioned table elaborates on the details of beneficiaries who actually constructed the houses and got paid.

S. No	Years	Total beneficiaries selected	Total beneficiaries constructed house and paid	No. of beneficiaries left out
1	2012- 13	16	13	3
2	2013 - 14	6	6	0
3	2014 - 15	23	13	10
4	2015 - 16	13	12	1

Reply to the RTI table of the petitioner in para - 5

S.No	Years	Beneficiaries selected	Constructed and paid	Not constructed and not paid
1	2012- 13	Rajendran Ravichandran Panneerselvam	---	
2	2013- 14	Vadivel	Vadivel	

3	2014- 15	Senthilselvam Packrisamy Arjunan Marimuthu Narayanasamy Selvamani Seppachi Sankar Chinthravel Panneerselvam Saradhammal	Sankar	Senthilselvam Packrisamy Arjunan Marimuthu Narayanasamy Selvamani Seppachi Chithravel Panneerselvam Saradhammal
4	2015- 16	Rajendran Madhiyalagan Natarajan Sivakumar Packirisamy Seeniammal Kaliappan	Madhiyalagan Natarajan Sivakumar Packirisamy Seeniammal Kaliappan	Rajendran

3. Block Development Officer, Keelaiyur, has further contended that National Rural Employment Guarantee Scheme is being implemented in Karapidagai South Village of Keelaiyur Block. Copies of the same have not been enclosed in the typed set of papers. Photographs enclosed in the typed set of papers would indicate that there was no construction, but it was only a thatched shed. It is not known as to whether the photographs relate to the constructions of houses of those who were illegally benefited.

4. Mr.E.Manoharan, learned Additional Government Pleader requests time to go through the scheme and registers maintained by the Block Development Officer, which includes payment register also.

5. Post on 13/3/2019."

8. Again when the matter was listed on 18.03.2019, this Court passed the following order:

"Ms.P.Meena, Block Development Officer, Kelaiyur, Nagapattinam, present today, is directed to produce the account particulars and the bank statements of the beneficiaries of those included in pages Nos.37 to 59 of typed set of papers.

2. Block Development Officer Kelaiyur, says that it is incorrect uploading.

3. Director, Rural Development Department, Chennai, 2nd respondent herein is directed to furnish as to who has forwarded those details for uploading in the official website and he is also directed to explain

as to whether the information is authenticated or not. Failure to furnish the above, will be viewed seriously.

4. Post on 21.03.2019, immediately after motion."

9. When the matter was listed on 21.03.2019, the learned Additional Government Pleader, submitted that he would collect the bank statements, showing the disbursement and balance, and file a counter affidavit, along with supporting documents. He further submitted that the present Block Development Officer, Keelaiyur, has joined recently and that she is not aware, as to who had prepared the statement, showing the completion of work of construction of the house and the amount spent. He also submitted that the Director, Rural Development, Chennai, has been appraised of the Court proceedings.

10. When the matter came up for hearing on 29.03.2019, the Director, Rural Development Department, Chennai, the 2nd respondent herein has filed a counter affidavit stating that Rural Development and Panchayat Raj Department implements the rural housing program called Indira Awaas Yojana (IAY), which is a centrally sponsored scheme. Indira Awaas Yojana was made as an independent scheme with effect from 1st January, 1996. It is a flagship programme of the Ministry of Rural Development, Government of India and its main objective is construction of free houses to the members of the Scheduled Castes / Scheduled Tribes, in Rural areas and also to non SC/ST rural poor living Below Poverty Line. The beneficiaries were selected from the Below Poverty Line (BPL) list approved by the Grama Sabha. At least 60% of the total IAY allocation during a financial year should be utilized for construction/upgradation of dwelling units for SC/ST BPL rural households. A maximum 40% of allocation is for non- SC/ST BPL rural households. 3% of the above categories should be allocated for physically and mentally challenged persons. Government of India have also directed the States to earmark 15% of the beneficiaries from amongst the minorities. The scheme was funded by the Centre and State Government in the ratio of 75:25.

11. Upto the year 2011-12, the unit cost of the house constructed under Indira Awaas Yojana (IAY) scheme was Rs.45,000/-, Out of this, the Central share was Rs.33,750/- and the State's share was Rs.11,250/-. In addition to the unit cost provided by Government of India, Rs.30,000/- was already provided additionally by Government of Tamil Nadu for Reinforced Cement Concrete (RCC) roofing cost. Due to considerable rise in the cost of construction materials, the Government have increased the State additional grant for RCC Roofing cost from Rs.30,000/- to Rs.55,000/-. Hence, during 2011-12, the unit cost of house in Tamil Nadu was Rs.1.00 lakh of which the State

Government have contributed Rs.66,250/- and the Centre's Share was Rs.33,750/- (under IAY) including RCC Roofing cost. The same unit cost was continued for the year 2012-13 also.

12. Further, the unit cost was raised from Rs.45,000/- to Rs.70,000/- by the Central Government during the year 2013-14 with Central share Rs.52,500/-, State share Rs. 17,500/- and Government of Tamil Nadu provided Rs.50,000/- for reinforced Cement Concrete (RCC) roofing cost and thus the unit cost was Rs.1,20,000 in Tamil Nadu. Further, the sharing pattern of Central and State has been changed as 60:40 from the year 2015-16 onwards with Central share Rs.42,000/- & State share of Rs.28,000/- & RCC Roofing cost of Rs.50,000.

13. The houseless poor people living in rural areas are eligible to beneficiaries under the Indira Awaas Yojana (IAY) scheme. Under this scheme, each house is built with an area of 210 Sq. ft consists of a living room, kitchen and toilet. Indira Awaas Yojana (IAY) houses were constructed either in situ (replacing his/her existing dwelling structure) or on the land owned by the beneficiary elsewhere in the Village Panchayat. No land acquisition is envisaged under this scheme. People with pattas for their house sites only are eligible under this Scheme.

14. The exclusive type design already developed for this scheme has been followed for the construction of houses with the permissible limit of 210 Sq. ft. To ensure uniformity in the design, no change of type design is normally permitted. However, minor changes can be made based on the site condition. The name of scheme, beneficiaries names and the year of construction shall be painted prominently on each completed house.

15. From the year 2015-16, in addition to the unit cost provided under Indira Awaas Yojana (IAY) scheme, each beneficiary is paid the notified wage under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) towards utilization of 90 person days for the construction of the house. Further, a sum of Rs. 12,000 is also provided to the beneficiary construction of Individual House Hold Latrine (IHHL) in convergence with Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)/ Swachh Bharat Mission (Gramin) (SBM (G)) Scheme.

16. The following eligibility criteria are being followed to identify the beneficiary under Indira Awaas Yojana (IAY) Scheme.

- 1) The beneficiary should be a resident of the Village Panchayat concerned.
- 2) The beneficiary should own a site of not less than 210 sq. ft. area.

- 3) Have clear patta for the site in the name of the head of the family or any other member of the household.
- 4) Do not own any other pucca concrete house in the village or elsewhere.
- 5) Should not have been benefitted under any other housing scheme of the Government.

17. Allotment of the Indira Awaas Yojana (IAY) houses made jointly in the name of husband and wife except in the case of a widow/unmarried /separated person. In the case of beneficiaries selected under the quota for persons with disabilities, the allotment should be only to such persons. Further, the construction is carried out by the beneficiary himself/herself. No contractor is involved in the construction of houses under the Indira Awaas Yojana (IAY). However, the department gives the technical assistance or arrange for the coordinated supply of material such as cement, steel or bricks if the beneficiaries so desire.

18. At the National level, Ministry of Rural Development, Government of India allocates the target number of houses to be constructed under the IAY scheme for every year. At the State level, the Director, Rural Development & Panchayat Raj allocates the target number of houses to be constructed under this scheme in a year for each district. At the District level, the District Collector shall decide the allotment of the houses to the Village Panchayats based on the above stated criteria, for selection of the beneficiaries. The Block Development Officer (village Panchayat) should allocate the houses to the selected beneficiaries from Below poverty line list of the Village Panchayats after getting the approval of the Grama Sabha.

19. Then Administrative Sanction for the scheme based on the district allocation for each year is accorded by the District Collector. The execution of the scheme is entrusted to the Block Development Officer (Village Panchayat) and issued the work order to the beneficiaries after confirming the eligibility of beneficiaries with reference to ownership and availability of the requisite area for construction. At the time of marking of the site, the Overseer / Assistant Engineer along with the Deputy Block Development Officer sensitize the beneficiary about the various aspects of the construction of the house including supply of materials, bill payment etc. The Assistant Engineers of concerned Panchayat Union is responsible for the construction and other technical aspects of the construction. The Union Overseers assist in marking and supervision of construction works as per the design and technical standards. The Assistant Engineers of the concerned Panchayat Union will check measure the constructed stage of the houses.

20. The Director of Rural Development and Panchayat Raj, Chennai, draws the funds and release the same to the District Collector/Chairman, District Rural Development Agencies (DRDA) of the districts, who will in turn release the funds to the respective Block Development Officer (VP). From the year 2013-14, the payment of bills for the work done by the beneficiaries is based on the valuation certificate submitted by Overseer/Assistant Engineer in the following four stages. Further, the material any issued to the beneficiary is deducted from the running bills and the net amount is paid to the beneficiary bank account directly.

1. Basement level
2. Lintel level
3. Roof of laid stage
4. Completion stage

21. For an effective Online monitoring system, departmental website (www.tnrd.gov.in) had been exclusively designed with assistance of National Informatics Centre (NIC), Chennai. Under Indira Awaas Yojana (IAY) scheme, the details like beneficiary registration, stages of houses, stage wise payment etc would be updated from the Block login in the departmental website.

22. The District Collector and the Project Director, District Rural Development Agency are the officers responsible for the proper implementation of the scheme and also monitoring the progress at the district level. Further, the Project Director, District Rural Development Agency, Executive Engineer (RD) and Assistant Executive Engineer (RD) would frequently inspect the progress in the construction of the houses and ensure its quality and timely completion, apart from following entries made in the online monitoring system.

23. To address the gaps in rural housing program and in view of Government's commitment to provide "Housing for All", the scheme of Indira Awaas Yojana (IAY) scheme has been re-structured into Pradhan Mantri Awaas Yojana (Gramin) (PMAY-G) with effect from 1st April, 2016.

24. The minimum unit (house) size has been enhanced from 20 Sq.m (or) 210 Sq. ft. (under IAY) to 25 Sq.m (or) 269 Sq. ft under Pradhan Mantri Awaas Yojana (Gramin) (PMAY-G) including a dedicated area for hygienic cooking space. Under Pradhan Mantri Awaas Yojana (Gramin) (PMAY-G) scheme, the unit cost is Rs.1.20 lakhs and the State Government is contributing a sum of Rs.50,000/- as RCC Roofing cost. In addition to the unit cost, each beneficiary is paid the notified wage under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) towards the

utilization of 90 person days as per the construction of the house. (90 x Rs.224 = 20,160). Further a sum of Rs. 12,000 is provided to the beneficiary for construction of an individual House Hold Latrine(IHHL) in convergence with Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS).

25. In Pradhan Mantri Awaas Yojana (Gramin) (PMAY-G), programme implementation and monitoring is carried out through an end to end e-governance model using AwaasSoft and AwaasApp. All critical functions of PMAY(G), right from identification of beneficiary, beneficiary registration, geo-tagging and sanction of houses is done through AwaasSoft and AwaasApp - mobile application is used to monitor real time, evidence based progress of house construction through date and time stamped and geo-referenced (with latitude and longitude) photographs of the house. Hence, photos of old house and construction site of new PMAY(G) house are taken mandatorily using AwaasApp mobile application before sanctioning the house and subsequent inspections at various levels are linked through AwaasApp to release of instalments. These two IT applications helps the overcome the gaps in the previous Indira Awaas Yojana (IAY) scheme. It provides for more effective monitoring mechanism for the implementation of the scheme.

26. Further under PMAY(G), all payments to the beneficiaries are done through Direct Beneficiary Transfer (DBT) to beneficiary bank account registered in AwaasSoft through Public Financial Management System (PFMS) by generating Fund Transfer Order (FTO).

27. He further submitted that the centrally & state sponsored housing schemes such viz, Indira Awaas Yojana (IAY), Pradhan Mantri Awaas Yojana (Gramin) (PMAY-G) and Chief Minister's Solar Powered Green House scheme are being implemented as per the guidelines issued by the Central and State Government. The final list of beneficiaries eligible under the scheme as per the guidelines are approved by the Grama Shaba and the sanction orders are issued by the Block Development Officer (Village Panchayat) to the individual beneficiaries and subsequently entries are made in the online monitoring system. It is further submitted that the beneficiaries under the scheme are selected in a transparent manner after adopting the guidelines. The data pertaining to Indira Awaas Yojana (IAY) related to 2012-13 to 2015-16 could be obtained with Estimate & Allotment register, Cash book, Bank statement.

28. He further submitted that after the sanction of the houses by the Block Development Officer (Village Panchayat), the beneficiary name and other details of sanction are entered in the online monitoring system. There are instances, that the

beneficiaries not willing to construct houses due to personal reasons, family issues and other financial constraints, to bridge the gap funding to complete the houses after the sanction of houses. On such occasions, the Block Development Officer (Village Panchayat) select the new beneficiaries, following the same procedures and allot the houses. Again the beneficiaries name should be changed in the online monitoring system by deleting the old beneficiary name. This should be periodically updated and monitored at the Block level because entries are made at the Block log-in only.

29. On perusal of records related to 23 beneficiaries mentioned by the writ petitioner, it was found that only 8 beneficiaries had constructed houses after sanction and the remaining 15 beneficiaries have not constructed the houses. So the Government assistance was paid in instalments in every stage of construction only to the 8 beneficiaries bank accounts and no money has been paid to the non-constructed houses. So it is submitted that there was no financial irregularities as alleged by the petitioner. The house sanctioned details are furnished below:-

Keelaiyur Panchayat Union - Karapidagai (South) Village Panchayat

SI. No.	Years	Selected Beneficiary	Houses Constructed and Amount Paid	Houses not constructed and Amount not paid
1.	2012-13	1.Rajendran 2.Ravichandran 3.Pannerselvam		1.Rajendran 2.Ravichandran 3.Pannerselvam
2.	2013-14	1. Vadivel	1. Vadivel	-
3.	2014-15	1.Senthilselvam 2.Packrisamy 3.Arjunan 4.Marimuthu 5.Narayanasamy 6.Selvamani 7.Seppachi 8.Sankar 9.Chithravel 10.Panneerselvam 11.Saradhammal	1. Sankar.V	1.Senthilselvam 2.Packrisamy 3.Arjunan 4.Marimuthu 5.Narayanasamy 6.Selvamani 7.Seppachi 8.Chithravel 9.Panneerselvam 10.Saradhammal

4.	2015-16	1.Rajendran 2.Madhiyalagan 3.Natarajan 4.Sivakumar 5.Packirisamy 6.Seenaiammal 7.Kaliappan	1.Madhiyalagan 2.Natarajan 3.Sivakumar 4.Packirisamy 5.Seenaiammal 6.Kaliappan	1. Rajendran
5.	2016-17	1. Ravichandran		1. Ravichandran

30. On perusal of records, certain discrepancies are found between online monitoring reports and the payment made to the beneficiaries as per Estimate and Allotment register. The online data entries were not properly monitored at the Block level. A perusal of the hard copies / registers & files, would show the true fact that payment have been made to the beneficiaries who actually constructed the house only. The amount received under the Indira Awaas Yojana if not utilized by the original beneficiary who has not constructed, the said amount will be transferred to another suitable beneficiary within the same block. It is pertinent to mention that funds are released only based on the Block Development Officer proposal and not on the data found online. The online data is only for the purpose of indicating the no. of beneficiaries and is not connected to fund release.

31. The matrix between online reports and the entries in the Estimate and Allotment register related to each year is given below submitted for your kind perusal.

Keelaiyur Panchayat Union - Karapidagai (South) Village Panchayat

Sl. No.	Year	No. of Houses completed	Houses completed as per Estimate & Allotment register			Difference number
			Names tallied with website	Names Not Tallied with website	Total	
1.	2012-13	14	9	3	12	2
2.	2013-14	6	6	-	6	-
3.	2014-15	20	8	6	14	6
4.	2015-16	12	12	-	12	-
Total		52	35	9	44	8

It is pertinent to mention that the funds or instalments will be released only at the time of completion of that particular stage of construction. For instance, there are cases where construction would have been started in the year 2012, but actually completed in the year 2016. Therefore payment of instalments would have started on 2012 and completed in 2016 at the time of completion of the construction. It is submitted that for the year 2012-13 to 2015-16, 52 houses are reported as completed in the department website, whereas as per the Estimate and allotment register only 44 houses were completed in Karapidagai (South) Village Panchayat. Out of balance 8 houses, funds of houses received were diverted to Karapidagai (North) Village Panchayat. The balance 6 houses did not receive funds under this scheme. These entries was not correctly uploaded / updated on the website. Then out of 44 houses constructed, the names are tallied only for 35 beneficiaries, and the remaining 9 houses were allotted to the new beneficiaries within the village panchayat, but the names were not corrected in the website.

32. Learned Additional Government Pleader further submitted that the connected cash book, bank statement of Keelaiyur Panchayat Union have been verified and it is found that the payments were not made to the non-constructed houses and hence, there is no financial irregularities occurred under this scheme. Only the names of the old beneficiaries were not replaced with the new beneficiaries names in the online monitoring system. Further, it is submitted that various works such as road formation, deepening of channels, tanks were also undertaken under the MNGREG Scheme as per the guidelines and overall supervision by the Block Development Officer (Village Panchayat) and strongly objected to the allegations made by the petitioner that the money from the government is being misused by the respondents 6 to 8 in collusion with the 9th respondent. All the welfare schemes are being implemented on the basis of detailed guidelines and the beneficiaries are selected in a transparent manner and approved by the Grama Shaba. Regarding other works undertaken in village panchayat, the villages themselves prepare Village panchayat Development Plan (VPDP) through various methodologies adopted and finally approved by the Grama shaba. The VPDP is prepared through bottom-up approach by beneficiaries of all Villages.

33. With regard to the averments made by the petitioner, learned Additional Government Pleader submitted that the connected documents of Keelaiyur Panchayat Union has been verified and it is found that the payments were not made to the beneficiaries who did not construct houses and hence, there is no financial irregularities under this scheme.

34. It is further submitted that there is a lapse on the part of the block officials to monitor and update the online entries periodically, so that it reflects the correct status. Hence, disciplinary action has been initiated by the 3rd respondent i.e, the District Collector, Nagapattinam under rule 17(b) of Tamil Nadu Civil Service (Discipline & Appeal) Rules against nine officials who are responsible for not making the correct entries, lack of monitoring and validation of data in the Block login of the website and charge memos have been served against one Assistant Director, one Block Development Officer, one Assistant Engineer, three Deputy Block Development Officers and three Union Overseers who had worked during the period for their negligence of duty. Copies of the charge memos have been submitted and for the abovesaid reasons, prayed for dismissal of the writ petition.

35. When the matter came up for further hearing on 08.04.2019, learned Additional Government Pleader filed additional typed set of papers containing the official letter sent by the Director of Rural Development and Panchayat Raj, Chennai to all the Collectors/Chairman, District Rural Development Agency, All Districts, to take necessary action to update and verify the online entries of all centrally sponsored and state funded schemes implemented by Rural Development and Panchayat Raj Department in the departmental website. The official communication of the Director of Rural Development and Panchayat Raj, Chennai, reads as under:

From

To

Dr.K.Baskaran, I.A.S., The Collector/Chairman
Director of Rural Development District Rural Development Agency
& Panchayat Raj, All Districts
Saidapet, Chennai-15.

Rc.No.189/2019/RHS 2-1 dated 03.04.2019

Sir / Madam,

Sub: Court case - Directions of Hon'ble High Court of Madras in W.P.No.33829 of 2018 - to take necessary action to update and verify the online entries of all centrally sponsored & State funded schemes implemented by Rural Development & Panchayat Raj Department in the departmental website - instructions issued - regarding.

Ref: 1. W.P.No.33829 of 2018 filed before the Hon'ble High Court of Madras
2. Connected Records.

Rural Development and Panchayat Raj Department is responsible for the implementation of various centrally-sponsored and state-funded schemes for poverty alleviation, employment generation, sanitation, capacity building, apart from provision of basic amenities and services in rural areas. The Department is also entrusted with the responsibility of enabling the various Panchayat Raj Institutions (PRIs) to function as effective units of Local Self-Government.

The Online Scheme Monitoring System (www.tnrd.aov.in) had been exclusively designed with assistance of National Informatics Centre (NIC), Chennai helps to monitor various centrally-sponsored and State-funded schemes implemented by Rural Development & Panchayat Raj Department.

In this regard, the Hon'ble High Court of Madras in W.P.No.33829 of 2018, has issued certain directions as detailed below with regard to Online Scheme Monitoring System of this Department in order to ensure responsive and transparent governance.

1. In respect of Rural Housing Scheme viz, Indira Awaas Yojana up to the year 2014-15 & Chief Minister's Solar Powered Green Housing etc entered in the online monitoring system has to be verified with reference to Administrative Sanction (AS), Technical Sanction (TS), Estimate & Allotment register (E&AR) & other relevant documents. If these entries are not correctly uploaded /updated on the website, then the same has to be corrected immediately.

2. In respect of all centrally-sponsored schemes viz MGNREGS, PMAY(G), PMGSY, SBM(G), MPLADS, CFG Grant etc. and all State-funded schemes viz, Chief Minister's Solar Powered Green House Scheme, TNRRIS, Self Sufficiency Scheme, MLACDS, SFC Grant etc., the details as on date entered in the online monitoring system has to be verified with reference to Administrative Sanction (AS), Technical Sanction (TS), Estimate & Allotment register (E&AR) & any other relevant documents relating to the particular scheme. If these entries are not correctly uploaded on the website, then the same has to be corrected immediately.

3. The windows for the previous year's in the departmental website (www.tnrd.gov.in) will be opened for all centrally sponsored and state funded schemes, so as to make necessary corrections in the departmental website.

The online updation works needs to be monitored very closely. Monitoring should be done at all levels and with special emphasis on accuracy and transparency.

All data entered in the departmental website would form the basis for follow up on both the physical and financial progress of every scheme implemented by this Department.

Hence, the District Collector should constitute a Monitoring committee at block and district level as detailed below to monitor the process of online entries periodically with reference to field verification and also all relevant records for all centrally sponsored and state funded schemes implemented by Rural Development & Panchayat Raj Department, so that it reflects the correct status in the Online Scheme Monitoring System.

Block Level & District Level Monitoring committee

Sl.No	Level	Members in the committee
1	Block Level Committee	1. Block Development Officer (BP/VP) 2. Assistant Engineer/Junior Engineer/Union Engineer 3. Deputy Block Development Officer of the concerned Scheme 4. Union Overseer of the concerned panchayat
2	District	1. district Collector/chairman, DRDA 2. Project Director, DRDA 3. Executive Engineer (RD) DRDA 4. Zonal Officer (each block) in the cadre of Assistant Director 5. Assistant Project Officer of the concerned scheme

Duties & Responsibilities of the Committee
Block Level Committee:

Zonal Deputy Block Development Officer and Union Overseer of the concerned Panchayat should update all centrally sponsored and state funded schemes details in the departmental website with reference to Administrative Sanction (AS), Technical Sanction (TS), Estimate & Allotment register (E&AR) & other relevant documents after the completion of field verification. After that, Deputy Block Development Officer of the concerned scheme has to ensure the correctness the

data entered in the online monitoring system with reference to the relevant documents.

Then, Block Development Officer (VP/BP) and Assistant Engineer of the Block has to scrutinize the online report with reference to the connected records and submit the same to District level committee, before 5th of every month with a certificate stating "Entries in the online monitoring system are duly verified with Administrative Sanction (AS), Technical Sanction (TS), Estimate & Allotment Register (E&AR) and other records and found correct".

District Level Committee:

The reports submitted by the Block level committee shall be verified by the Zonal Officer in the cadre of Assistant Director / Assistant Project Officer of documents. After verification, the report along with verification certificate has to be submitted to Project Director & Executive Engineer (RD), DRDA.

During the monthly review meetings conducted by the District Collector, subjects such as Administrative Sanction (AS), Technical Sanction (TS), Estimate & Allotment register (E&AR) and other relevant documents, the online data entries of all centrally sponsored & state funded schemes implemented by Rural Development & Panchayat Raj Department should be included as a main agenda for reviewing and this should be recorded in the minutes of the meeting.

In case of discrepancies, if any found in the online report, the District collector shall initiate the disciplinary action against the concerned officials, who are responsible for not making correct entries in the website and records for lack of monitoring and validation of data in respect of centrally sponsored and state funded schemes.

Hence, it is requested to give necessary instructions to the field functionaries and other officials to adhere to the above instructions. Further, the District Collector should ensure the correctness of the online report and furnish a certificate that online data entries are tallied with relevant records to this Directorate by 15th of every month.

36. He further submitted that a similar letter dated 03.04.2019, has been sent by the Director of Rural Development and Panchayat Raj, Chennai, to the Deputy Director General and State Informatics Officer, Chennai, to take necessary action to update and verify the online entries of all Central/State

sponsored schemes implemented by Rural Development and Panchayat Raj Department in the departmental website. Said letter reads thus:-

Director,
Rural Development & Panchayat Raj

From	To
Dr.K.Baskaran, I,A.S.,	Deputy Director General & State
Director of Rural Development	Informatics officer,
& Panchayat Raj,	National Informatics Centre
Panagal Building	E2A, Rajaji Bhavan,
Saidapet, Chennai-15	Basant Nagar, Chennai-90

Rc.No.189/2019/RHS 2-1 dated 03.04.2019

Sub: Court case - Directions of Hon'ble High Court of Madras in W.P.No.33829 of 2018 - filed by Thiru.V.arulraj, Nagapattinam District - to take necessary action to update and verify the online entries of all centrally/State sponsored schemes implemented by Rural Development & Panchayat Raj Department in the departmental website - instructions issued - regarding.

Ref: 1. W.P.No.33829 of 2018 filed by Thiru V.Arulraj, Nagapattinam district before the Hon'ble High Court of Madras
2. Connected Records.

The Online Scheme Monitoring System (www.tnrd.gov.in) was exclusively designed with assistance of National Informatics Centre (NIC), Chennai which helps to monitor various Centrally-sponsored and State-funded schemes implemented by Rural Development Panchayat Raj Department.

As per directions of Hon'ble High Court of Madras in W.P.No.33829 of 2018, filed by Thiru.V.Arulraj, Nagapattinam district, instructions have been issued to District Collectors to verify the details entered in the online monitoring system with reference to Estimate & Allotment register (E&AR) & other relevant documents in respect of Centrally-sponsored and State-funded schemes implemented by the Rural Development & Panchayat Raj Department.

Hence, it is requested that the window of the Department website for the previous years in respect of all Centrally-sponsored and State-funded schemes

implemented by Rural Development & Panchayat Raj Department may be opened till 31st May 2019 for making necessary correction of incorrect entries if any which were already made by the districts.

37. Though petitioner has alleged that 23 persons have been shown as beneficiaries, upon perusal of records and the counter affidavit of the official respondents, it could be seen that only those who completed construction of houses numbering 8 have been paid the construction cost. The remaining 15 who have not completed construction, have not been paid. Error in uploading has been found out and action is being taken. On the above facts and circumstances, no useful purpose would be served in keeping the writ petition pending.

38. In view of the above directions, the writ petition is disposed of with a direction that all the Centrally-sponsored and State-funded schemes implemented by Rural Development & Panchayat Raj Department may be opened till 31st May 2019 for making necessary correction of incorrect entries if any which were already made by the districts. Schemes be implemented in letter and spirit, without giving room to any complaints. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kpr/dm

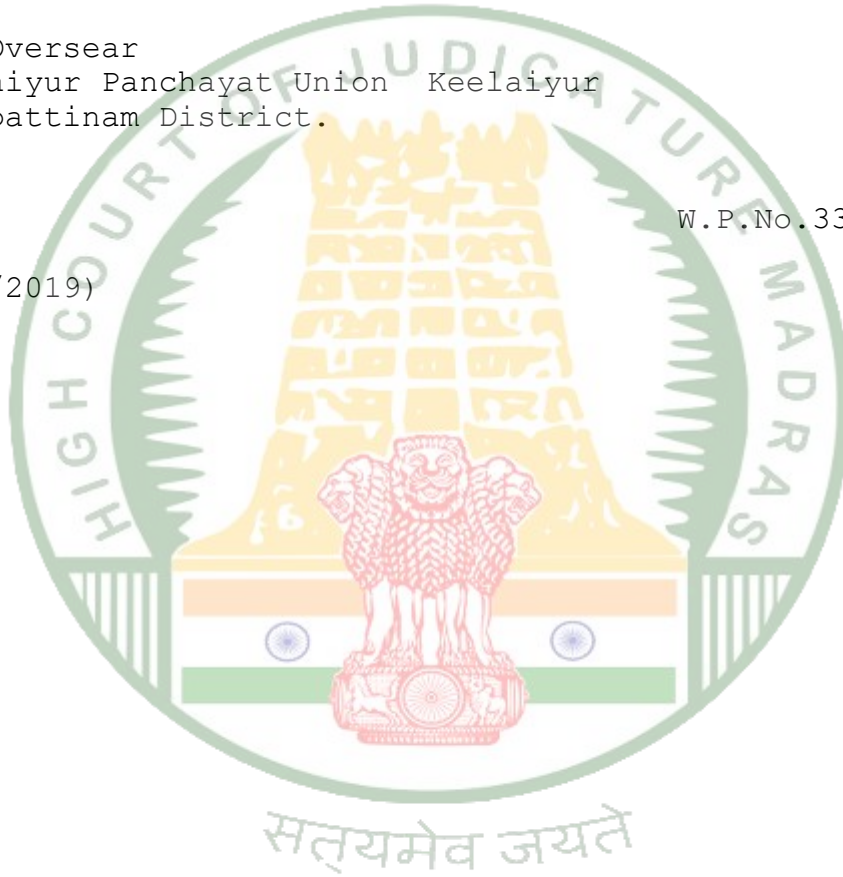
To

- 1 Secretary to Government Rural
Government of Tamil Nadu
Development Department Fort St. George
Chennai - 600009
- 2 The Director
Rural Development Department Saidapet
Panagal Maligai Chennai - 600015
- 3 The District Collector
Nagapattinam and District.
- 4 The Director
Directorate of Local Fund Audit Combined
Audit Office Campus 4th Floor Nandanam
Chennai - 35

- 5 The Director
Anti-Corruption and Vigilance Department
293 MKN Road Collectors Nagar Alandur
Chennai - 16
- 6 Block Development Officer
Village Panchayat Keelaiyur Panchayat Union
Keelaiyur Nagapattinam District
- 7 The Manager
Keelaiyur Panchayat Union Keelaiyur
Nagapattinam District
- 8 The Oversear
Keelaiyur Panchayat Union Keelaiyur
Nagapattinam District.

PP (CO)
SSM(20/06/2019)

W.P.No.33829 of 2018



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