

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.27893 of 2019

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issuance of a *Writ of Mandamus* to declare the orders passed in Proceedings No.3651/2019-A2(P), dated 03.12.2019 in suspending the petitioner from the post of Upa-Sarpanch of Masaniguda Village, Shankarpally Mandal, Ranga Reddy District, for a period of 30 days under Section 37 (5) of the Telangana Panchayat Raj Act, 2018, as being illegal and arbitrary.

Heard Sri M. Arvind, learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing for the respondents.

It is the case of the petitioner that the petitioner had by his representation dated 30.10.2019 has submitted his explanation as to why the petitioner did not sign the cheques that are issued in respect of works undertaken by the Gram Panchayat. By the said explanation, the petitioner claims that the monies of the State are sought to be illegally utilized for unauthorized works and also without having proper proof of such expenditure being incurred.

The petitioner had filed this writ petition questioning the suspension of the petitioner from functioning as Upa-Sarpanch for a period of one month, pending enquiry. However, as the said period of suspension pending enquiry is

now over, no further orders need be passed in the writ petition.

However, the learned counsel for the petitioner submits that since the enquiry in the matter is pending, the authorities may be directed to consider the explanation given by the petitioner and also of his functioning in post 30 day period of suspension.

Having regard to the said submissions made, considering the fact that enquiry into the matter is pending, the authorities shall consider the explanation of the petitioner whereby the petitioner has brought to the notice of the authorities about the illegalities in certain works undertaken resulting in misuse of funds, in right perspective causing necessary enquiry. The authorities before taking any further action shall take into consideration the manner in which the petitioner discharged his functioning as Upa-Sarpanch, after the period of suspension.

Subject to the above observations and directions, the writ petition is disposed of. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Petition shall stand closed.

T. VINOD KUMAR, J

Date: 20.01.2020
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