

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 2968 of 2021

Gram Panchayat Bijatarai, Janpad Panchayat Mungeli, District Mungeli Chhattisgarh, Through Its Sarpanch Smt. Aanjan Bai, W/o. Manohar Gabel, Aged About 28 Years, R/o. Village Bijatarai, Tahsil Mungeli, District Mungeli, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Sub Divisional Officer (R) / Mungeli, District Mungeli, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Mungeli, District Mungeli Chhattisgarh.
4. Deputy Director, Social Welfare Department Mungeli, District Mungeli, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. F.S.Khare, Advocate
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For State	:	Mr. Rahul Jha, Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

ORDER

23.07.2021

Heard

1. Learned counsel for the petitioner would submit that the Gram Panchayat Bijatarai carried out MANREGA work for which the amount was not paid. Subsequently, two amounts of Rs.5 Lakhs each total Rs.10 Lakhs were transferred by C.E.O. Janpad Panchayat Mungeli. It is stated under what head the said amount was paid was not clear and therefore it was adjusted towards MANREGA payment. Subsequently, it was revealed that the said amount of Rs. 5 Lakh each was on account of payment of pension, which was to be paid. Learned counsel refers to a letter dated 29.01.2021 (Annexure P-4) and would submit that the letter addressed to the C.E.O. Janpad Panchayat Mungeli would show that pursuant to a show cause notice certain allegation of charges were admitted and certain expenses were incurred while MANREGA payment in lieu of the fact that sanctioned would be granted. Therefore, the amount which was transferred to the Gram Panchayat was at the behest of the C.E.O. and Gram

Panchayat has not made any expenses of their own. Therefore, it is the C.E.O. Janpad Panchayat Mungeli would be responsible instead the Gram Panchayat. Reference is made to notice Annexure P-1 and would submit the petitioner has been asked to deposit the amount for the expenses incurred which is illegal.

2. The submission of the statement would show that it is a disputed question of facts under which head the amount was paid and in which head the expenses were incurred. This needs a fact finding enquiry.
3. The notice under challenge Annexure P-1 is show cause notice by the S.D.O. Therefore the petitioner can very well go and submit their reply and required document pursuant to the show cause Annexure P-1. At this stage, the submission of the petitioner that they are not responsible for the expenses incurred on the head of MANREGA, as the money was given to with specific direction or clarity is also question of fact, which is to be ascertained. The petition, therefore, at this stage, against the show cause notice is premature. The petitioner can very well canvass their defence before the S.D.O. by whom the show cause notice Annexure P-1 has been issued. Therefore, at this stage, I am not inclined to interfere with the show cause notice. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks