

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 16.02.2023

1. COCP-2224-2022 (O&M)

Rohit Kumar

....Petitioner

Versus

Kakumanu Sivaprashad and another

....Respondents

2. COCP-2115-2022 (O&M)

Mukhtiar Singh

....Petitioner

Versus

Gurpreet Singh Khaira and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Bhandohal, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 16.08.2016 passed in CWP No.4265 of 2016, vide which certain directions were issued.

Counsel for the petitioner has laid emphasis on the direction given by the Court, which reads as under:-

“Most of the above-said viewpoints expressed in the affidavit dated 31.05.2016, seem to be justified. However, some clarifications are required, as suggested by the learned counsel for the petitioners. Following the Constitutional mandate and also the above-said directions already issued by a Division Bench of this Court, it deserved to be reiterated here that the respondent authorities shall deposit all the grants-in-aid, irrespective

of the fact from which source they are coming, directly in the Gram Panchayat Fund. It needs to be emphasized that there would be no exception in this regard.”

Counsel for the petitioner has argued that in compliance thereof, all grants-in-aid irrespective of the source are to be credited in the Gram Panchayat Fund, which is set-up/credited under the provisions of the Punjab Panchayati Raj Act and the development work, which are undertaken by the respondent under the Pradhan Mantri Adarsh Gram Yojana or MPLAD Fund should be at the first instance credited to the Gram Panchayat Fund and only thereafter, the same can be used for the development purpose.

The aforesaid observations cannot be read as an isolation and a perusal of the complete judgment would reveal that a direction was issued to the Chief Secretary, State of Punjab, to issue appropriate instructions to all the departments of the State that the directions contained in the aforesaid order to streamline the release of grants to the Panchayat be communicated to all the concerned Gram Panchayats/the officials of the State Government.

Reply by way of affidavit of the Deputy Commissioner, Rupnagar, is on record and Rule 3.3 of the guidelines of MPLADS, is reproduced as under:-

“3.3. The District Authority shall identify the Implementing Agency capable of executing the eligible work qualitatively, timely and satisfactorily. The District Authority shall follow the established work scrutiny; technical, work estimation, tendering and administrative procedure of the State/UT Government concerned in the

matter of work execution and shall be responsible for timely and effective implementation of such works.”

Counsel for the State has argued that the development work undertaken under the MPLAD Fund or the Pardhan Mantri Awas Gram Yojana, are implemented through an agency as per the rules framed thereunder and therefore, the same cannot be credited under the Gram Panchayat Fund in terms of the aforesaid order as both the two schemes are manned by the Central Government and not by the State Government.

In view of the above, finding no willful disobedience, both these petitions are dismissed.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

16.02.2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No