

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10127 of 2024

Prakash Ravidas S/o Lakshman Das residing at Satghara, Shahzadpur,
District- Bhagalpur- 812006. Presently posted as Panchayat Sachiv
(Suspended), Head Office, Block- Pirpaintee, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Commissioner, Bhagalpur Division.
3. The Collector, Bhagalpur.
4. The Sub-Division Officer, Naugachhia, Bhagalpur.
5. The District Panchayat Raj Officer, Bhagalpur.
6. The Block Panchayat Raj Officer, Rangrachowk block, Bhagalpur.
7. The Block Development Officer, Rangra Chowk-cum-Executive Officer, Gram Panchayat, Madrauni, Rangrachowk, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Advocate
For the Respondent/s : Mrs. Pushpanjali Sharma, AC to SC 20

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-07-2024 The petitioner was a Panchayat Secretary, posted at Madrauni, Rangrachowk, Gram Panchayat, in the District of Bhagalpur. During the Financial Year 2021-22 and 2022-23, the Panchayat Samiti approved and issued work orders in respect of three works to be done by the Panchayat through third-party contractor. The Panchayat Samiti engaged one M/s Abhiraj Enterprises to execute such contract. Thereafter, the *Mukhiya* of the concerned Gram Panchayat asked the petitioner for certain money for the purpose of initial payment to the contractor as per



Rule 10 (13) of the Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011. The *Mukhiya* and the Panchayat Secretary are the joint signatories of cheque to withdraw money as per the demand of the *Mukhiya*, he signed the cheque towards payment of advance money, however, he apprehended some foul claim in monetary transaction and made a complaint before the Block Development Officer vide Annexure P/2 and P/3. However, the Block Development Officer did not take any action. Then, the petitioner made an application before the District Magistrate with the prayer either to take action against the *Mukhiya* of the said Gram Panchayat or to transfer him to some other Panchayat. He was accordingly transferred. Thereafter, an inquiry was held under the direction of the District Magistrate by the Sub-Divisional Officer with regard to monetary transaction and he was falsely implicated in the said monetary transaction and suspended. It is the case of the petitioner that the order of suspension was wrong, it was issued as a result of political bias and to wreck vengeance. The petitioner was even directed to pay the entire money amounting to Rs. 17,22,365/-

2. It is contended by the learned Advocate appearing on behalf of the petitioner that the said money was withdrawn



from the Bank on the direction and joint signature of *Mukhiya* and the present petitioner. Therefore, the suspension order is bad. The petition had no authority individually to disburse any money in favor of any person that has been allotted to a particular panchayat.

3. Be that as it may, the petitioner was suspended by the competent authority in contemplation of departmental proceeding. It is not disputed that he is now drawing subsistence allowance. Therefore, this Court is of the view that the instant writ petition is premature on the ground that the petitioner can avail his defence in disciplinary proceeding. Therefore, the instant writ petition is disposed of directing the respondents, specially respondents no. 03, 04, 05 and 07 to conclude the departmental proceeding if any within three months from the date of communication of this order.

4. In the meantime, the direction for payment of Rs. 17,22,365/- be stayed till the disposal of the disciplinary proceeding in contemplation.

5. The instant writ petition thus, disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

U			
---	--	--	--

