

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.3586 of 2023

ORDER:

The petitioner is a sarpanch of Thimmarajupalem Gram Panchayat, Parchur Mandal, Bapatla District. She had sought a clarification for payment to the contractor, who is said to have constructed the Village Secretariat Building.

2. It is the case of the petitioner that one Sri G. Venkateswarlu had constructed a SWPC shed for which payment was made by utilising the funds given to the Gram Panchayat for construction of the Gram Sachivalayam. Subsequently, a third party had constructed the Gram Sachivalayam. By then the Gram Panchayat had received the funds for construction of the SWPC shed and these funds were sought to be paid to the third party for construction of the Gram Panchayat building. As there were no directions or orders for re-appropriation of funds, the petitioner had sought a clarification in this regard before releasing the funds.

3. The petitioner contends that her cheque power was suspended by the 2nd respondent on the ground that she was refusing to clear the bills. The petitioner contends that this action of the respondents was clearly arbitrary as the 2nd respondent had not taken into account the fact that the petitioner was only seeking a clarification due to the above re-appropriation of funds from one head of expenditure to another head of expenditure.

4. Heard, Sri Ramachandra Rao, learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Sri G. Venkat Reddy, learned Standing Counsel for the Gram Panchayat.

5. The learned Government Pleader for Panchayat Raj would submit that a show-cause notice had already been issued for conducting an enquiry under Rule-41 of the rules issued in part-II of G.O.Ms.No.30 (PR&RD), dated 20.01.1995 as amended in G.O.Ms.No.444 PR&RD(Pts.III) Department, dated 29.12.2005. He would further submit that the said explanation given by the petitioner can always be considered by the 2nd respondent.

6. Sri Ramachandra Rao Gurram, learned counsel for the petitioner would submit that the explanation had already been submitted on 06.02.2023.

7. In the circumstances, this Writ Petition is disposed of with a direction to the 2nd respondent to complete the enquiry and pass orders in the proceedings initiated under the notice of suspension dated 03.02.2023, expeditiously and within a period of three weeks from the date of receipt of this order. In the event of any further delay, the cheque power of the petitioner shall stand restored, on the expiry of three weeks from the date of receipt of the order by the 2nd respondent, subject to the final order that may be passed by the 2nd respondent.

8. As there is a controversy over the payment to be made to the third party for construction of the Gram Sachivalayam, no further payment would be made until this issue is also clarified by the 2nd respondent in the order that he would pass after giving an opportunity of hearing to the petitioner. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

24.02.2023

Note:-

Issue C.C by 27.02.2023.

B/o
BSM.

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