

(2018) 08 CHH CK 0310

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2357 Of 2018

Bel Singh Maitri

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 27, 2018

Acts Referred:

- Chhattisgarh Panchayat Raj Adhiniyam, 1993 - Section 40, 91, 92

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Ramesh Nayak, Shashank Thakur

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra J

1. Heard.

2. The petitioner is challenging the proceeding under Section 92 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (in short ""the Adhiniyam"") drawn

against him for recovery of the amount, which the petitioner has defalcated in carrying out the construction and other activities while he was serving

as Sarpanch of Gram Panchayat Bunga, Block Pusaur, District Raigarh (CG).

3. Perusal of the papers would demonstrate that vide Annexure P/1 dated 14.10.2009, the petitioner was served with a show cause notice for his

removal under Section 40 of the Adhiniyam for committing misappropriation of the funds entrusted to him for carrying out the activities of the Gram

Panchayat. The petitioner submitted his reply to the said show cause notice and thereafter, the competent authority passed the order on 25.11.2009

removing him from the office and directing recovery of Rs.6,26,816.19 and rice weighing 22.675 quintals. The said order was assailed by the petitioner

before the Additional Collector, Raigarh by preferring an appeal under Section 91 of the Adhiniyam. The appeal was dismissed on 31.8.2012, against

which, the petitioner did not prefer any revision within time, as the same was actually preferred on 27.9.2017, which was also dismissed on the ground

of limitation by the order passed by the Additional Commissioner, Bilaspur Division on 9.1.2018.

4. In the meanwhile, proceedings under Section 92 of the Adhiniyam for recovery of the subject amount and quantity of rice was initiated against the

petitioner vide orders in order sheet- Annexure P/11, wherein, notice was issued to the petitioner, after which, he appeared in person before the

SDO(R) on 11.8.2017 and again appeared through his counsel on 24.8.2017 and on this date, warrant of arrest was issued against him. As a matter of

fact, the petitioner has already deposited a sum of Rs.50,000/- in two installments of Rs.40,000/- and Rs.10,000/-, therefore, he has admitted his guilt

of causing misappropriation of the Panchayat funds.

5. It is too late for the petitioner to challenge the proceeding, which has its basis in the Audit Report and was edifice for initiation of proceeding for his

removal under Section 40 of the Adhiniyam. The said part of the proceeding has attained finality, therefore, the recovery of the amount against the

petitioner is the necessary consequential order which cannot be interfered as long as the order under Section 40 of the Adhiniyam and the Audit

Report hold the ground

6. There is no substance in the writ petition, which fails and is hereby dismissed.