

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,
WRIT PETITION (C) NO. 5968 /2011

PETITIONERS :

1. Ashok Kumar Sahu, son of Shri Vishnu Sahu, aged about 45 years, Sarpanch, Gram Panchayat Jawaibandha, Development Block Abhanpur, District Raipur (CG)
2. Harshvardhan Tarak, son of Shri Patiram Tarak, aged about 26 years, Rozgar Sahayak, Gram Panchayat Jawaibandha, Development Block Abhanpur, District Raipur (CG)

P.R. No. 5205/11
Presented by Shri. Dinesh Tinari
dated 27/9/11
1.05

Vs

RESPONDENTS :

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Mantralaya, Raipur.
2. The Collector-cum- District Program Coordinator, Mahatma Gandhi National Rural Employment Guarantee Raipur.
3. The Sub Divisional Officer, Aarang, Abhanpur (CG)
4. Janpad Panchayat Abhanpur, through its Chief Executive



Dinesh
(DINESH TINARI)

Officer.

- ✓ 5. Lokpal, an independent enquiry agency under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Lokpal office, Raipur.
- ✓ 6. The Commissioner, Mahatma Gandhi National Rural Employment Guarantee, Commissioner Office, Raipur

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA



HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 5968 of 2011

PETITIONER : Ashok Kumar Sahu & Another.

VERSUS

RESPONDENTS : State of Chhattisgarh & Others.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Dinesh R.K. Tiwari, Advocate for the petitioner.
Shri Shashank Thakur, Panel Lawyer for the State/respondent
No. 1 to 3.

ORDER

(Passed on 30th day of September, 2011)

1. Challenge in this petition is to the award dated 05.07.2011 (Annexure P/2) passed by the Lokpal, Mahatma Gandhi National Rural Employment Guarantee Act, Raipur, whereby the Lokpal has recommended to take action against the petitioner on the allegations being found proved, and the notice dated 02.09.2011 (Annexure P/3) issued by the Sub Divisional Officer, Aarang, Abhanpur, whereby the petitioner was asked to submit his response on 23.09.2011.
2. Shri Tiwari, learned counsel appearing for the petitioner submits that the petitioner No. 1 is the Sarpanch of Gram Panchayat Jawaibandha, Block Abhanpur, District Raipur, and the petitioner No. 2 is the Rojgar Sahayak. One Purushottam Sahu, lodged a written complaint before the Lokpal alleging that the petitioners have committed certain irregularities in the construction work carried out at Dharsa and in digging work of the pond situated in village Jawaibandha. It was also alleged that the petitioners have misappropriated the fund by making false and fake entries in the muster roll. On his complaint, a case being No. 2/201 was registered. The petitioners were summoned by the Lokpal and the petitioners filed their written reply denying the allegations. The Lokpal, without considering the reply of the petitioners, has passed the impugned award dated 05.07.2011 after relying on the documents available and the evidence adduced by the witnesses. Shri Tiwari further submits that after passing of the impugned



award, the respondent No. 3 has issued a notice to explain as to why a proceeding under section 40 of the Panchayat Raj Adhiniyam, 1993.

3. On the other hand, Shri Thakur, learned Panel Lawyer appearing for the State/respondent No. 1 to 3 submits that this petition is premature as no cause of action has arisen in the instant case. The petitioner has been issued with a show cause notice to which he has not replied till date.
4. Heard learned counsel appearing for the parties, perused the pleadings and documents appended thereto.
5. The petitioner has challenged the award passed by the Lokpal which has only recommended to take appropriate action against the petitioner but till date, no such order imposing any punishment or penalty has been passed. The respondent No. 3 has also issued a notice on 02.09.2011 (Annexure P/3) to enable the petitioners to submit their response. The petitioners, without replying to the said notice, have rushed to this Court seeking quashing of the award passed by the respondent No. 5, as well as the notice issued by the respondent No. 3. This petition is premature at this stage as no order has been passed against the petitioners till date. There is no challenge to any order which creates cause of action.
6. Thus, I do not find any merit in the instant petition and the petition is accordingly dismissed being premature.

Sd/-
Satish K. Agnihotri
Judge