

W.P. No. 9175/13(S)

(Ramgopal Sahu Vs. State of MP and others)

28.06.2013

Heard Shri K.C. Ghildiyal, learned counsel for the petitioner on the question of admission and interim relief.

The petitioner, who is the Panch of the Gram Panchayat, Majhigawan, Post Mahkhor, Janpand Panchayt Manjhauli District Sidhi, has filed this petition being aggrieved by order dated 13.07.2012 passed by the Chief Executive Officer, Zila Panchayat Sidhi whereby the respondent no. 7, who was working as Panchayat Secretary of the aforesaid Gram Panchayat, had been suspended on charges, has been reinstated and has been transferred to the Gram Panchayat, Dhadi Pathar, Janpad Panchayat Kusumi District Sidhi.

It is submitted by the learned counsel for the petitioner that there were serious charges against the respondent no. 7 and others regarding financial illegality and irregularity in various schemes and in such circumstance, proceedings under section 40 of the M.P. Panchayat Raj Avam Gram Swaraj Adhiniyam 1993 were registered against the Sarpanch of the Gram Panchayat and other elected members. It is stated that during the process of the aforesaid facts finding enquiry the respondent no. 7 who had been placed under suspension, has now been reinstated and transferred to another Panchayat. The Petitioner alleges malafide on the part of the authority in doing so and states that the order has been passed only to protect him.

Having heard the learned counsel for the petitioner, it is observed that the petitioner is only the Panch of the aforesaid

Gram Panchayat and the Gram Panchayat has not passed any resolution against the respondent no. 7 nor has it passed any resolution for prosecuting the respondent no. 7. It is also clear that the petitioner has also not moved any motion for that purpose. The respondent no. 4 is the competent authority to revoke the order of suspension and transfer the respondent no. 7 and that the respondent no. 7 has not been reinstated in the same Gram Panchayat but has now been transferred to another Gram Panchayat.

In the circumstances, it is apparent that the petitioner is only a Panch of the Gram Panchayat and neither his rights are affected nor does any cause of action arise in his favour in his personal capacity to assail the impugned order. It is a settled law that where there is no right, no mandamus can be issued by this court.

In the circumstances, the petition filed by the petitioner being meritless is accordingly dismissed.

(R.S. Jha)
Judge

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