
(2013) 10 MP CK 0051
In the Madhya Pradesh High Court
Case No : Writ Petition 7745 of 2013

Jeevan Lal Jatav

APPELLANT

Vs

State of MP and Others

RESPONDENT

Date of Decision : 28-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0051

Hon'ble Judges : Krishn Kumar Lahoti, Acting C.J.;S.K. Gangele, J

Bench : Division Bench

Advocate : Amit Bansal, for the Appellant; M.P.S. Raghuvanshi, Additional Advocate General for Respondents/State, for the Respondent

Judgement

1. Case of the petitioner is that though the petitioner has filed a complaint (Annexure P/4) in compliance of the order dated 12/9/2012 in WP 6200/12 (Smt. Ramkumari Lodhi Vs. State of MP and others) but till date, no action has been taken by the Authority to whom the complaint (Annexure P/4) was filed. It is submitted that this petition may be entertained and appropriate direction may be issued. In WP 6200/12 (Smt. Ramkumari Lodhi Vs. State of MP and others) the Division Bench of this Court finally disposed of the matter by an order which reads thus:

12.09.2012

Shri Amit Bansal, Advocate, for the petitioner.

Shri M.P.S. Raghuvanshi, Additional Advocate General for respondents No. 1 and 2/State.

It is the grievance of the petitioner that she is the elected member of Janpad Panchayat, Pichhore. One Assistant Accountant working therein committed financial irregularities to which enquiry was conducted and after making representation, no action has been taken however petitioner preferred the present petition.

Per contra, Shri Raghuvarshi, learned Additional Advocate General, contends that the petitioner has not represented to the competent authority and the representation Annexure P-2 attached to page 14 does not contain any acknowledgment. More so being elected member of the Janpad Panchayat, they may take recourse as per permissible under the provisions of Panchayat Act, as against an employee. Public Interest Litigation making allegations against him is not tenable.

After hearing learned counsel for the parties and on perusal of the record, prima facie, we are not inclined to interfere in this petition, but it is hereby observed that the petitioner may submit a fresh representation and take recourse as per law.

Petition stands dismissed accordingly.

2. It is submitted that thereafter the petitioner has made a representation (Annexure P/4) dated 23/1/2013 but till date no action has been taken.

3. From perusal of the representation (Annexure P/4) we find that allegations are against respondent No. 6 who happens to be Assistant Accountant in Janpad Panchayat, Pichhore. That there are serious allegations which deserve to be enquired into and after finding prima facie, the matter can be referred to the appropriate authority for initiating action against respondent No. 6.

4. In view of the aforesaid circumstances, we direct respondent No. 2 Collector, Shivpuri to look into the grievance of the petitioner as directed by order dated 12/9/2012 (supra) and if prima facie case is found against respondent No. 6, to refer the matter to the appropriate authority for proper action.

In view of the aforesaid, we dispose of this petition finally with the following directions:

(1) The petitioner to submit a fresh representation to respondent No. 2 Collector, Shivpuri agitating his grievance supported by necessary documents including complete set of the writ petition for ready reference.

(2) Respondent No. 2 Collector, Shivpuri shall look into the grievance of the petitioner and, if action is required in the matter, then to forward the matter to the appropriate authority for proper action.

(3) Before passing such order, respondent No. 2 shall extend opportunity of hearing to the petitioner and respondent No. 6 in this regard.

No order as to costs.