

(2025) 06 JH CK 0923
In the Jharkhand High Court
Case No : W. P. (C) No. 6261 Of 2019

Mohan Turi

APPELLANT

Vs

State Of Jharkhand through Principal Secretary

RESPONDENT

Date of Decision : 16-06-2025

Acts Referred:

Citation : (2025) 06 JH CK 0923

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Prabhash Kumar, Manish Sharma

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

Heard, learned counsel for the parties.

1. The present writ petition has been filed for quashing memo No. 1365 dated 31.08.2019, Memo No.1367 dated 31.08.2019 and Memo No.1387 dated 31.08.2019 (Annexure-11, 11/1 and 11/2 to the writ petition) whereby the directions have been to the concerned Gram Panchayats of Nagabad, Chino, Chegro respectively under Dumri Block within Giridih District to deposit Rs.4,81,068/- Nagabad, Rs.6,41,700/- Chino and Rs.4,27,415/- Chegro Panchayat in the relevant accounts being the differential amount of purchasing the street solar lights out of the fund given under 13/14th Finance Commission as according to JREDA, the said street solar lights were purchased in the said Panchayat on higher rate within 15 days.

2. Learned counsel for the petitioner submits that the impugned Memos have been issued in violation of the principles of natural justice. No show cause notice was issued to the concerned persons of the said Panchayat alleging that the said street solar lights were purchased on the higher rate than prescribed. The authorities have conducted the enquiry behind the back of the office bearers of

the said Panchayat. Moreover, no enquiry report has also been handed over to the concerned office bearers of the said Panchayat. In fact, the said street solar lights were purchased by the Gram Panchayat from the agencies approved by the Government in the year 2016 itself as per the price fixed by the Government which are of appropriate specifications and are also properly functioning. Moreover, no villager has ever raised any grievance regarding the said street solar lights. Even while auditing the accounts relating to purchase and installation of the said street solar lights in the concerned Gram Panchayat, the audit team did not raise any objection. Thus, the impugned Memos/ Letters being wholly illegal are liable to be set aside.

3. Learned AC to SC.IV for the State while opposing the submission of learned counsel for the petitioner, submits that the said street solar lights were purchased for Nagabad, Chiro and Chegro Panchayats on much higher rate than the prescribed. The said fact surfaced in the enquiry conducted by the then Sub-Divisional Officer, Dumri, Giridih. Gram Panchayats of Nagabad, Chiro and Chengro have deposited the differential amount with respect to said panchayats i.e. Rs.4,81,068/-, Rs.6,41,700/- and Rs.4,27,450/- which is in excess to the required amount. Hence, a differential amount be refunded from the concerned office bearers of Nagabad, Chiro and Chengro panchayats. It is a case of misappropriation of Government fund which is sought to be recovered from the said Panchayat. As such, there is no infirmity in the impugned letters issued by the Respondent No.5.

4. Heard learned counsel for the parties and perused the materials available on record.

5. Be that as it may. The fact remains that an enquiry has already been conducted by the Sub-Divisional Officer, Dumri, Giridih in which different Panchayats under Dumri Block (Giridih District) have been issued similar letters for depositing the excessive expenditure made for purchasing the street solar lights.

6. I find substance in the submission of learned AC to SC.IV appearing on behalf of the State of Jharkhand that it is a case of misappropriation of Government fund. Hence, I am not inclined to exercise the extraordinary writ jurisdiction in the present case which otherwise is plenary in nature.

The present writ petition is accordingly dismissed.

The petitioner is however at liberty to represent the respondent No.3 on the present issue, who in turn, shall look into the matter and take appropriate steps.