

(2017) 07 RAJ CK 0015
In the Rajasthan High Court
Case No : 9719 of 2016

Satya Narayan S/o Shri Sughan Lal

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 07-07-2017

Acts Referred:

Citation : (2017) 07 RAJ CK 0015

Hon'ble Judges : Sangeet Lodha

Bench : SINGLE BENCH

Advocate : Mukesh Rajpurohit, Manish Patel

Final Decision : Disposed

Judgement

1. This writ petition has been filed by the petitioner No.1, Gram Sevak, Gram Panchayat Picholiya, Panchayat Samiti, Pisangan, District Ajmer, and petitioner No.2, Sarpanch, Gram Panchayat Picholiya, Panchayat Samiti Pisangan, District Ajmer aggrieved by the action of the respondents in directing recovery of the loss caused to the Gram Panchayat concerned, on account of purchases of Solar Street Lights made without undertaking the tender process in accordance with law, from a person other than the firm holding valid rate contract with Director General, Supplies & Disposal (D.G.S.&D) of Government of India and at the rate higher than the rate prescribed.
2. Learned counsel appearing for the parties submit that

the controversy involved in this writ petition stands covered by decision of this Court dated 8.2.16 rendered in the matter of "Har Govind Singh vs. State of Rajasthan & Ors." (S.B.Civil Writ Petition No. 13949/2015 & 215 other connected matters), the operative portion whereof reads as under :

"In the result, the writ petitions succeed, the same are hereby allowed. The impugned demands created against the petitioners by the respondents are quashed. The matter shall stand remanded to the competent authority to pass an appropriate order afresh, after giving an opportunity of hearing to the petitioners in accordance with law. The amount already deposited by the petitioners against the demands created, pursuant to the interim order passed by this Court or otherwise, shall be subject to final outcome of the inquiry to be conducted by the competent authority. If the petitioners are held liable for the loss, if any, caused to the Panchayati Raj Institution, the amount already deposited by them, shall be adjusted against the demand created, if any. Needless to say that if the petitioners are exonerated, the amount, if any, deposited by them or where the demand created against them is found to be less than the amount already deposited by them, the excess amount, shall be refunded to them. No order as to costs."

3. Accordingly, this writ petition is also disposed of in the light of decision rendered in the matter of Har Govind Singh's case (supra).