

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
Main Case No. W.P.Nos.12524 of 2021 & batch matters.

PROCEEDING SHEET

Sl. No	DATE	ORDER	
	15.09.2021	<p><u>DEV,J</u></p> <p>Heard learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj and Sri N. Harinath, learned Assistant Solicitor General appearing for the Central Government and the learned Standing Counsel appearing for the Gram Panchayat and perused the Counter affidavit filed by the respondent No.2.</p> <p>Along with the Counter Affidavit, respondent No.2 filed a Statement of Payment of Details of MGNREGS as on 23.08.2021. As per the Statement payments are made to the petitioners in 448 cases.</p> <p>Learned Government Pleader, basing on the averments made in the Counter Affidavit, submits that 100% payment was made to some of the petitioners and 79% of the payment was made to some of the petitioners. The reason for withholding 21% of the amount payable to the petitioners as stated in the affidavit filed by respondent No.2 is due to the pendency of the enquiry against some of the petitioners.</p> <p>In fact, when this contention was made by the learned counsel before this Court on 07.09.2021, this Court made it clear that the said contention is not acceptable to this Court as the</p>	

	<p>learned counsel appearing for the petitioners submitting that no enquiry is pending against the petitioners as on date.</p> <p>The contention of the learned counsel for the petitioners that no enquiry is pending against the petitioners as on date is supported by the contentions of the Government of India in the affidavit filed by it, in which it is stated that the enquiry got over in the month of October, 2020 (16.10.2020) and the State Government has accepted the Final Report and took a decision on 05.11.2020 to make the payments.</p> <p>In view of the specific contention of the Government of India in its affidavit that it received information from the State Government that enquiry is completed in the month of October, 2020, now the contention of the respondent No.2 in his counter affidavit that 21% of the amount is withheld due to pendency of the enquiry against the petitioners is nothing but invention of the State Government Officers to drag on the payments payable to the petitioners for which they are legitimately entitled.</p> <p>In the opinion of this Court, the tendency and tactics of the State Government Officers to drag on the issue is unjustified.</p> <p>Under these circumstances, this Court is not having any other option except to direct the Chief Secretary of the State Government to appear before this Court on the next date of hearing and to explain the reasons why the State Government Officers, particularly Officers of the Panchayat Raj Department, are submitting false information before this Court, which is contrary to the record</p>	
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		<p>and the facts, and to enable this Court to proceed further against the concerned Officers for placing incorrect and misleading information before this Court.</p> <p>The Government Pleader for Panchayat Raj submits that the contention of respondent No.10 in its Counter Affidavit that as per the information shared by the State Government, the enquiry is completed by the month of October, 2020 is not correct information. In view of the submission of the learned Government Pleader, respondent No.10 is directed to file an Additional Affidavit stating the facts along with the information shared by it from the State Government about the completion of the enquiry by October, 2020 as contended in its Counter Affidavit, dt. 17.08.2021.</p> <p>Post on 24.09.2021.</p> <p style="text-align: right;">DEV,J</p> <p>eha</p>	
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