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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6902-2025 (O/M)
Date of decision : 17.03.2025

Mohd. Sharfuddin

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vikram Singh Narwal, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Petitioner has filed the instant civil writ petition under Article 226 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 18.12.2024 (Annexure P-4), passed by Chief Executive Officer, DRDA-cum-District Programme Officer, MGNREGA Nuh (in short 'CEO'), in pursuance to an award dated 12.12.2024 (Annexure P-3), passed by Lokpal MGNREGA, DRDA, Nuh), vide which an amount of Rs. 14,94,820/- has been ordered to be recovered from the petitioner.

2. Briefly, petitioner (Mohd. Sharfuddin), is an Ex-Sarpanch of village Hassanpur, Nuh, Mewat (Haryana). One Ajaj Khan, while representing himself as President of Janhit Committee, preferred a Public



Interest Litigation bearing CWP-PIL-134-2021 before this Court, inter alia, stating that no action has been taken by the authorities on representations/complaints, wherein multifarious irregularities, frauds and embezzlements in Mahatma Gandhi National Rural Employment Guarantee Scheme (in short 'MGNREGA Scheme') of Government of India, were highlighted. It was alleged that people, who had died and did not exist, were paid salary and other benefits under MGNREGA Scheme, thereby resulting in several irregularities and embezzlement of funds.

2.1 Apparently, the aforesaid Public Interest Litigation came to be disposed of by a Division Bench of this Court, vide order dated 03.08.2021 (Annexure P-1), whereby while taking note of contention raised on behalf of State of Haryana that a grievance redressal mechanism has been provided under Section 19 of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (in short '2005 Act'); it was directed that the representations/complaints submitted by the Janhit Committee be considered and decided by the authorities concerned.

2.2 It transpires that order dated 03.08.2021 (Annexure P-1) was not complied with, accordingly, contempt petition (COCN-2010-2024) came to be filed before this Court, wherein a direction was issued, vide order dated 02.12.2024 (Annexure P-2) to Deputy Commissioner, Nuh to conclude the entire exercise as directed by the Division bench in the above referred Public Interest Litigation.

2.3 In compliance of aforesaid order dated 02.12.2024 (Annexure P-2), learned Lokpal, MGNREGA, DRDA vide award dated 12.12.2024 (Annexure P-3) decided the complaint as regards village



Hassanpur, wherein petitioner was the Sarpanch at the relevant time; holding that duplicate job cards of 35 persons had been prepared, which were in violation of provisions of 2005 Act and Rules made thereunder. It was further held that in terms of Schedule-II, job cards were to be made by the Sarpanch and also that the Sarpanch was responsible for marking attendance. On the basis of aforesaid observations, learned Lokpal, MGNREGA concluded as under :-

“Therefore, after examining the statements, evidence and clarifications on file, Lokpal MNREGA has reached the conclusion that the job cards made under MNREGA scheme in Gram Panchayat Hasanpur Nuh have been prepared by committing irregularities in MNREGA Acts, therefore, according to Schedule 1 point no. 26 of MNREGA Act 2005, former Sarpanch Safruddin Gram Panchayat Hasanpur Nuh should be fined Rs. 14,94,820/- under recovery is decided. Because the former Sarpanch is found guilty of making duplicate job cards.

Hence, the total recovery amount of Rs. 14,94,820/- should be deposited from former Sarpanch Sarfuddin within 30 days in the MNREGA scheme's account number 7871000100046781 in PNB Nuh and the receipt should be submitted to the office of Chief Executive Officer, DRDA, Nuh. If the recovery and penalty amount is not deposited within 30 days, legal action should be taken against them.

In future, it is warned that PO should ensure that MNREGA works are done as per rules.

Sd/-

LOKPAL MNREGA DRDA

Date : 12.12.2024”



2.4 A copy of aforesaid award dated 12.12.2024 (Annexure P-3), passed by learned Lokpal, MGNREGA was forwarded to Chief Executive Officer (CEO) for information and necessary action.

2.5 Evidently, CEO, vide order dated 18.12.2024 (Annexure P-4) directed all concerned Block Development Officers-cum-Programme Officers, MGNREGA to ensure that FIR is lodged against all Ex-Sarpanches/Mates/Job Card Holders of the concerned Gram Panchayat(s) within 15 days and also ensure recovery of the amount within 30 days as per Lokpal orders.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for the relief(s), as noticed above.

4. Before this Court, learned counsel for petitioner has primarily raised two arguments, namely, (i) that Sarpanch of Gram Panchayat is not competent to issue job card and his only role is to make recommendation of the names of villagers to the concerned officials for making job cards, therefore, the petitioner is neither an authority nor he has role to play, therefore, impugned orders have been wrongly, illegally and arbitrarily passed against the petitioner and (ii) that the procedure prescribed under Section 53 of Haryana Panchayati Raj Act, 1994 has not been followed.

5. Before dealing with the aforesaid contentions, it would be appropriate to refer to Scheme under MGNREG Act.

6. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (for short 'the 2005 Act') was enacted by Parliament with the objective, inter alia, of enhancing the livelihood security of poor



households in rural areas by providing at least one hundred days guaranteed wage employment to every such household whose adult members volunteer to do unskilled manual work.

6.1 At the outset, it is required to be noticed that Section 28 of the 2005 Act provides that the 2005 Act shall have overriding effect.

Section 28 reads thus:-

“28. Act to have overriding effect.-The provisions of this Act or the Schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law:

Provided that where a State enactment exists or is enacted to provide employment guarantee for unskilled manual work to rural households consistent with the provisions of this Act under which the entitlement of the households is not less than and the conditions of employment are not inferior to what is guaranteed under this Act, the State Government shall have the option of implementing its own enactment:

Provided further that in such cases the financial assistance shall be paid to the concerned State Government in such manner as shall be determined by the Central Government, which shall not exceed what the State would have been entitled to receive under this Act had a Scheme made under this Act had to be implemented.”

6.2 Section 3(1) of the 2005 Act provides that the State Government shall in rural areas (as notified by the Central Government) provide to every household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the Scheme made under the Act.



6.3 Section 4 of the 2005 Act provides that to give effect to the provisions of Section 3 thereof every State Government shall frame a Scheme providing not less than one hundred days of guaranteed employment in a financial year to every household in the rural areas covered under the Scheme and whose adult members, by application, volunteer to do unskilled manual work subject to the conditions laid down in the Act and in the Scheme.

6.4 Section 14 of the 2005 Act provides for the appointment of a District Programme Coordinator who is the Chief Executive Officer of the District Panchayat or the Collector or any other district level officer of an appropriate rank as decided by the State Government. The District Programme Coordinator is expected to implement the Scheme in the district, in addition to his/her other functions.

6.5 Section 15 of the 2005 Act provides for the appointment of a Programme Officer at every Panchayat at intermediate level; who shall assist the Panchayat at intermediate level in discharging its functions under the 2005 Act and any Scheme made thereunder. The Programme Officer shall be responsible for matching the demand for employment with the employment opportunities arising from projects in the area under his jurisdiction. The functions of the Programme Officer shall include-

- (a) monitoring of projects taken up by the Gram Panchayats and other implementing agencies within the Block;
- (b) sanctioning and ensuring payment of unemployment allowance to the eligible households;



- (c) ensuring prompt and fair payment of wages to all labourers employed under a programme of the Scheme within the Block;
- (d) ensuring that regular social audits of all works within the jurisdiction of the Gram Panchayat are carried out by the Gram Sabha and that prompt action is taken on the objections raised in the social audit;
- (e) dealing promptly with all complaints that may arise in connection with the implementation of the Scheme within the Block; and
- (f) any other work as may be assigned to him by the District Programme Coordinator or the State Government.

6.6 Section 16 of the 2005 Act provides for the responsibilities of Gram Panchayats as under:-

“16. Responsibilities of the Gram Panchayats.-(1) The Gram Panchayat shall be responsible for identification of the projects in the Gram Panchayat area to be taken up under a Scheme as per the recommendations of the Gram Sabha and the Ward Sabhas and for executing and supervising such works.

(2) A Gram Panchayat may take up any project under a Scheme within the area of the Gram Panchayat as may be sanctioned by the Programme Officer.

(3) Every Gram Panchayat shall, after considering the recommendations of the Gram Sabha and the Ward Sabhas, prepare a development plan and maintain a shelf of possible works to be taken up under the Scheme as and when demand for work arises.

(4) The Gram Panchayat shall forward its proposals for the development projects including the order of priority between different works to the Programme Officer for scrutiny and



preliminary approval prior to the commencement of the year in which it is proposed to be executed.

(5) The Programme Officer shall allot at least fifty per cent. of the works in terms of its cost under a Scheme to be implemented through the Gram Panchayats.

(6) The Programme Officer shall supply each Gram Panchayat with-

(a) the muster rolls for the works sanctioned to be executed by it; and

(b) a list of employment opportunities available elsewhere to the residents of the Gram Panchayat.

(7) The Gram Panchayat shall allocate employment opportunities among the applicants and ask them to report for work.

(8) The works taken up by a Gram Panchayat under a Scheme shall meet the required technical standards and measurements.”

6.7 Section 17 of the 2005 Act provides for monitoring the execution of works within the Gram Panchayat by way of Social audit of work by Gram Sabha as under:-

“17. Social audit of work by Gram Sabha.-(1) The Gram Sabha shall monitor the execution of works within the Gram Panchayat.

(2) The Gram Sabha shall conduct regular social audits of all the projects under the Scheme taken up within the Gram Panchayat.

(3) The Gram Panchayat shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Gram Sabha for the purpose of conducting the social audit.”



6.8 As per section 19 of the 2005 Act, the State Governments are mandated to frame Grievance Redressal Rules to determine appropriate grievance redressal mechanism and lay down procedure for disposal of complaints. Sections 19 reads thus:-

19. Grievance redressal mechanism.-The State Government shall, by rules, determine appropriate grievance redressal mechanisms at the Block level and the district level for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints.

6.9 Section 32 empowers the State Government to make rules to carry out the provisions of the 2005 Act, including provisions for grievance redressal mechanism at the Block level and District level.

6.10 Section 27 empowers the Central Government to issue such directions as it may consider necessary to the State Government for the effective implementation of the provisions of the Act.

6.11 It is required to be noticed here that clause 29 of Schedule I attached to 2005 Act requires that there should be an effective grievance redressal mechanism and as per clause 30 of Schedule I, the States are mandated to appoint an Ombudsman for each district for receiving grievances, enquiring into and passing awards as per guidelines issued, Clause 30 of Schedule I attached to 2005 Act reads as under:-

“ Ombudsperson: There shall be an Ombudsperson for each District for receiving grievances, enquiring into and passing awards as per guidelines issued.”



6.12 As per Clause 32 and 33 of the Schedule II attached to the 2005 Act, it is the Gram Panchayat, who is responsible to maintain the proper records and the relevant extract thereof reads as under:-

“32. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and pass books issued, name, age and address of the head of the household and the adult members of the households registered with the Gram Panchayat.

33. The Gram Panchayat shall send such list or lists of the names and addresses of households and their adult members registered with it and supply such other information to the concerned Programme Officer at such periods and in such form as may be specified in the Scheme.”

6.13 On 20th March, 2023, the Union Government in the Ministry of Rural Development has issued revised guidelines on Ombudsmen and Appellate Authority. Some of the relevant guidelines/ instructions, as would be germane for the decision of the instant lis are as under:-

Chapter I

Preliminary

Definitions

In these Instructions unless the context otherwise requires -

1.1 ‘Authorised representative’ means a person duly authorised by a complainant to act on his behalf and represent him in the proceedings before the Ombudsman.

1.2 ‘Award’ means written and signed award of the Ombudsman.

1.3 ‘Chief Secretary’ means the Chief Secretary of the State/Union Territory.



1.4 ‘Complaint’ means a representation in writing containing a grievance alleging deficiency in the implementation of MGNREG Act or Scheme framed there under.

1.5 ‘Nodal Department’ means the Department of the State Government which deals with the implementation of the MGNREG Act and Scheme framed there under.

1.6 ‘MGNREGA functionary or authority’ means any person or persons who have been vested with powers and functions under the MGNREG Act and MGNREG Scheme framed there under.

1.7 ‘Ombudsman’ means any person appointed under Clause 2 of the Instructions.

1.8 ‘State’ means any State, and includes the Union Territory of Inida.

Chapter II

2.0 Establishment of the office of MGNREGS Ombudsman

2.1 A selection Committee shall be constituted to recommend appointment of Ombudsman.

2.1.1 The State Government will appoint one person, as the Ombudsperson in each district of the State/U.T. on the recommendation consisting of the following persons:

(a) Additional Chief Secretary of the State Government nominated for the purpose—Chairperson

(b) Representative of Union Ministry of Rural Development—Member

(c) Eminent Civil Society Person nominated by Union Ministry of Rural Development—Member

(d) Principal Secretary/Secretary of the State Nodal Department—Member Convenor

2.2.9 The Ombudsman shall be appointed for tenure 2 (two) years extendable not more than twice by one year each based on a performance appraisal process or till the



incumbent attains the age of 68 (sixty eight) years, whichever is earlier. There shall be no reappointment.

3. *Autonomy of Ombudsman*

3.1. Except as provided in the MGNREG Act and these instructions, officials of Central or State Government shall not have authority to issue any direction or instruction to an Ombudsman with regard to the discharge of his duties.

8.1 The Ombudsman shall have power to:-

(i) receive complaints from MGNREGA workers and others on any matters specified in clause 9 either at office or in the field during a field inspection.

(ii) consider such complaints and pass awards within 30 days from the date of receipt of complaint. For this purpose, he may require the MGNREGA Authority complained against to provide any information or furnish certified copies of any document relating to the subject matter of the complaint which is or is alleged to be in his possession; provided that in the event of failure of such authority to comply with the requisition without any sufficient cause, the Ombudsman may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavourable to the concerned MGNREGA Authority.

(iii) issue direction for conducting spot investigation.

(iv) initiate 'proceedings suo motu in the event of any circumstance arising within his jurisdiction that may cause any grievance including on issues related to delayed payment of wages or non-payment of unemployment allowance as recorded in the MIS.

(v) engage experts for facilitating the disposal of the complaint. State Government may formulate suitable guidelines in this regard.

(vi) direct redressal, disciplinary and corrective actions.



(vii) report his/her awards to the District Programme Coordinator (DPC) of the District and the Secretary, State Nodal Department. Wherever Ombudsman feels the need to do so he/she may mark a copy to the Chief Secretary. The report shall specially highlight cases where action needs to be taken against erring MGNREGA functionaries for their failure to redress the grievance. The report will be accompanied with primary evidence needed to initiate action against the delinquent persons.

8.2 The Ombudsman shall be responsible for:

8.2.1 Ensuring proper processing of complaints and grievances made or reported to him/her.

9. Grounds on which complaint shall be filed

9.1 A complaint pertaining to any one or more of the following subjects alleging deficiency in the implementation of the MGNREG Scheme may be filed with the Ombudsman.

9.1.1 Gram Sabha meeting and their record keeping

9.1.2 Registration of Households and issue of job cards

9.1.3 Custody of Job Cards

9.1.4 Demand for work

9.1.5 Issue of dated Acknowledgement receipt against application for employment

9.1.6 Payment of wages

9.1.7 Payment of Unemployment Allowance

9.1.8 Payment of compensation for delayed wage payments

9.1.9 Discrimination on the basis of gender

9.1.10 Worksite facilities

9.1.11 Measurement of Work

9.1.12 Quality of Work

9.1.13 Use of Labour displacing Machine

9.1.14 Engagement of Contractors

9.1.15 Operation of accounts in the bank or post offices

9.1.16 Registration and disposal of Complaints



9.1.17 Verification of Muster Rolls

9.1.18 Inspection of Documents

9.1.19 Use of funds

9.1.20 Release of funds

9.1.21 any fraudulent activity brought out by Social Audit

9.1.22 Maintenance of Record

*9.1.23 Deprivation of any entitlement assured in the Act/
Schedules*

*9.1.24 A sample check may be done by Ombudsperson from
all Gram Panchayats level Whatsapp groups of its district,
whether every required member is registered.*

*9.1.25 Ombudsperson may enquire any complaint regarding
attendance received from any registered member.*

*9.2 State Nodal Department may include any other
ground on which a complaint may be filed with the
Ombudsman.*

11. Proceedings to be summary in nature

*11.1 The Ombudsman shall not be bound by any legal rules
of evidence and may follow such procedure that appears to
him/her to be fair and proper in accordance with the
principles of natural justice. The proceedings before the
Ombudsman shall be summary in nature.*

12. Disposal of complaints

*12.1 On receipt of the complaint, Ombudsman may refer the
complaint to the appropriate MGNREGA authority for
disposal within seven (07) days. In the event of failure of the
MGNREGA authority to dispose the complaint, the matter
may be taken up by the Ombudsman for disposal.*

*12.2 The Ombudsman shall cause a notice of the receipt of
the complaint along with a copy of the complaint to be sent
to the MGNREGA authority complained against.*



12.3 When facts of the case are admitted by the parties, the Ombudsman shall dispose the case in accordance with the requirements of the MGNREG Act, Rules and Guidelines.

12.4 If the facts are not admitted by the parties in a case, Ombudsman may pass an Award after affording the parties reasonable opportunity to present their case. Ombudsman shall be guided by the evidence placed before him/her by the parties, the reports of social audits, if any, the provisions of MGNREG Act and Scheme and practice, directions, and instructions issued by the State Government or the Central Government from time to time and such other factors which in his/her opinion are necessary in the interest of justice.

12.5 The Ombudsman may conduct a spot investigation in case it is required, to enable the matter to be disposed of satisfactorily: or ask for a report from a MGNREGA functionary based on a spot visit. In case the state government issues guidelines for the purpose, he may also call for a report from an expert.

Normally a spot investigation should be done with advance notice to all parties and to the local Gram Panchayat, and presence of parties recorded on a separate 'spot investigation summary' to be prepared by the Ombudsman on the spot and signed by any of the parties who wish to do so.

However, if the Ombudsman is of the view that a surprise inspection is essential to elicit the correct position, he may do so after informing the Programme Officer of the general location of the spot inspection, In all such cases, he shall in his 'spot investigation summary' record the details of persons actually present, and shall invariably take photographs of the site and of the persons present and attach a print out with the spot investigation summary. In case a spot investigation was done, copy of the spot investigation



summary shall also be attached to the report of the Ombudsman.

12.6 Ombudsman shall attend the public hearing of social audit as far as practicable and suo moto take on file all cases where due entitlements are not provided for disposal as per these guidelines.

13. Awards by the Ombudsman and Appeal

13.1 The awards shall be a speaking order consisting of the following components:

- (i) details of the parties of the case.*
- (ii) brief facts of the case.*
- (iii) issues for consideration.*
- (iv) findings in favour or against issues along with reasons.*
- (v) direction to the concerned MGNREGA authority regarding performance of its obligations under the MGNREG Act and recommendation regarding expediting delayed matters, taking of disciplinary and punitive action against erring persons, etc. except imposition of penalties under the MGNREG Act.*
- (vi) costs, if any.*

13.4 State Government shall set up a three member Appellate Authority, consisting of an academician, a retired civil servant and a civil society representative, to consider representation by any party aggrieved by the awards of the Ombudsman, Such a representation shall be disposed of within a period of two months by the appellate authority. Office of the appellate authority shall be located in the office of the nodal department of the State Government implementing MGNREGA. Expenses of such an appellate authority shall be borne by States from the 6% administrative expenditure permitted under section 22(1) (c) of the MGNREGA.”



7. Having considered the scheme of the 2005 Act and also the provisions contained in the revised guidelines dated 20.03.2023 issued by the Union Government; it is observed that Section 16 of the 2005 Act deals with the responsibilities of Gram Panchayat. As per section 16(6) of the 2005 Act, the Program Officer supplies to each Gram panchayat, the muster rolls for the works sanctioned to be executed by it and as per section 16(7) of the 2005 Act, it is the Gram Panchayat who has to allocate employment opportunities among the applicants. Even as per Clause 32 and 33 of the Schedule I attached to 2005 Act, it is the Gram Panchayat who is to prepare and maintain such registers, vouchers and other documents containing the particulars of job cards and passbooks issued.

7.1 Further, as per section 17 of the 2005 Act, a social audit is to be conducted by the Gram Sabha and as per section 17(3) of 2005 Act, the Gram Panchayat is duty bound to make available all the relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Gram Sabha for the purpose of conducting the social audit. Therefore, it cannot be agitated by the petitioner that the Sarpanch / Gram panchayat has no role in the issuance of job cards, accordingly, the said contention of the petitioner is rejected.

8. As regards the second contention of the petitioner that no recovery could have been ordered against him without following the procedure under section 53 of the 1994 Act; it is observed that Section 53 of the 1994 Act deals with liability of Sarpanch or Panch for the loss,



waste or misapplication of Gram funds or property belonging to that Gram Panchayat, if such loss, waste or misapplication is a consequence of his neglect or misconduct while working as Sarpanch or Panch, as the case may be. On the other hand, the 2005 Act is a separate Act enacted by the Parliament with the objective of enhancing the livelihood security of poor households in rural area by providing atleast one hundred days guaranteed wage employment to every household whose adult members volunteer to do unskilled manual work. In terms of section 28 of the 2005 Act, the said 2005 Act and also the schemes made thereunder, have an over-riding effect over anything inconsistent contained in any other law. Further, section 19 read with clause 29 and 30 of the schedule I attached to the 2005 Act provides for a grievance redressal mechanism and the revised guidelines dated 20.03.2023 issued by the Union Government, provides for an Ombudsman or a Lokpal, for looking into the grievances / complaints on various issues as enumerated in clause / instruction No. 9 thereof, which includes issue of job cards, payment of wages or unemployment allowance(s), compensation, verification of muster rolls, use of funds, release of funds, maintenance of records, fraudulent activities brought out by social audit etc.

8.1 In my considered view, as regards frauds and embezzlement in MGNREG Scheme, the provisions of section 53 of the 1994 Act would have no application and the same has to be dealt with within the framework of the 2005 Act read with revised guidelines dated 20.03.2023 issued by the Union Government.



9. That apart, Section 13 of the 2005 Act provides for the principle authorities for planning and implementation of the Schemes made under the 2005 Act and Section 13(4) of the 2005 Act provides that a District Programme Coordinator shall assist the Panchayat at the District level in discharging its functions under the 2005 Act and the Scheme made thereunder. Further, Section 14(1) provides for a District Programme Coordinator as under:-

“14. District Programme Coordinator.-- (1) The Chief Executive Officer of the District Panchayat or the Collector of the district or any other district level officer of appropriate rank as the State Government may decide shall be designated as the District Programme Coordinator for the implementation of the Scheme in the district.”

9.1 Section 14(2) provides that the District Programme Coordinator shall be responsible for the implementation of the Scheme in the district in accordance with the provisions of the 2005 Act and the Rules made thereunder.

10. Evidently, an award dated 12.12.2024 (Annexure P-3) has already been passed by respondent No.4- Lokpal (MGNREGA) DRDA, Nuh. Counsel for the petitioner has been unable to refute the findings returned by learned Lokpal in its Award dated 12.12.2024 (Annexure P-3) which is based upon records, that duplicate job cards of 35 persons amounting to Rs.14,94,820/- were found in violation of the rules of MNREGA Act.

10.1 Now, acting on the said award (Annexure P-3), respondent No.3- Chief Executive Officer has passed the impugned order dated



18.12.2024 (Annexure P-4) directing all concerned Block Development Officers-cum-Programme Officers, MGNREGA to ensure that FIR is lodged against all Ex-Sarpanches/Mates/Job Card Holders of the concerned Gram Panchayat(s) within 15 days and also ensure recovery of the amount within 30 days as per Lokpal orders.

10.2 In *Naman Singh alias NamanPratap Singh v. State of Uttar Pradesh, 2019 (1) RCR (Criminal) 350*; Hon'ble Supreme Court held as under:-

“...If a complaint is lodged before the Executive Magistrate regarding an issue over which he has administrative jurisdiction, and the Magistrate proceeds to hold an administrative inquiry, it may be possible for him to lodge an F.I.R. himself in the matter...”

10.3 Therefore, if respondent No.3- Chief Executive Officer , who is responsible for the implementation of the Scheme in the District; while considering the findings rendered in the award (Annexure P-3) has recommended registration of FIR, in those circumstances, no fault can be found with the same.

11. No other argument has been raised.

12. Considering the totality of circumstances, I find no merit in this petition and the same is accordingly dismissed.

13. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

17.03.2025
sjks/Apurva

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No