

**Arvind Kumar Khare Vs. the State of Madhya Pradesh**

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**Court :** Madhya Pradesh

**Decided On :** Oct-18-2012

**Appellant :** Arvind Kumar Khare

**Respondent :** The State of Madhya Pradesh

**Judgement :**

Arvind Kumar Khare versus State of MP and otherRs.18.10.2012.

Shri Swapnil Ganguly for the petitioner.

Shri Sanjeev Kumar Singh, Panel Lawyer, for the State on advance notice.

Challenging the order-dated 5.9.2012 passed by the Chief Executive Officer, Zila Panchayat, Tikamgarh directing the petitioner to deposit a sum of `15,19,000/- or in the alternate threatening to take disciplinary action against him, petitioner has approached this Court.

Petitioner was Secretary of the Gram Panchayat and a show-cause notice - Annexure P/1 was issued to him on 29.7.2011, wherein it was indicated that certain irregularities have been committed in the Gram Panchayat in the matter of executing certain work under the Mahatma Gandhi National Rural Employment Guarantee Scheme and, therefore, action was proposed to be taken against the petitioner and various other persons.

Even though initially a notice for recovery of `15,19,000/- from the petitioner was issued, subsequently the amount was reduced to `10,07,593/-.

It is the case of the petitioner that in the proceedings held before the Sub Divisional Officer under section 92 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, the Sub Divisional Officer in his order-dated 20.3.2012 - Annexure P/8 has exonerated the petitioner, has not found him guilty of any mis- appropriation, it is only the Sarpanch - Smt.

Usha Rathore, who is held responsible and, therefore, it is stated that the recovery is illegal.

2 Shri Sanjeev Kumar Singh, learned counsel for the State, points out that the order is nothing but a show-cause notice issued to the petitioner by the Chief Executive Officer and against the aforesaid order petitioner can file an appeal before the Collector under the statutory rules and, therefore, interference into the matter by this Court at this stage is not called for.

Having heard the objection raised by Shri Sanjeev Kumar Singh, I find much force in the same.

The statutory remedy of appeal and revision is available to the petitioner and, therefore, a petition directly before this Court by-passing the statutory remedy is not permissible.

Accordingly, granting liberty to the petitioner to take recourse to the statutory remedy available, this writ petition stands disposed of.

Certified copy as per rules.

(RAJENDRA MENON) JUDGE A.K.S/-

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