OP.No. 828 of 2008

Dated 19.09.2008

Abdul Rub. E Vs Secretary, Maranchery Grama Panchayat

ORDER

The petitioner wants disqualification of the Panchayat Committee of Respondent Panchayat on the ground that the Citizen's charter was not published in due time. Section 272A of the Panchayat Raj Act mandates that such charter shall be published within 6 months The Respondent Panchayat took the decision and brought it out only on 12.03.2007. On 14.08.2008 it decided to revise the charter and that also came out on 08.09.2008. In so far as the Respondent's Committee assumed office on 21.10.2005, the charter should have been brought out before 21.4.2006. It took almost one more year for the publication to come out. Lapse was thus definitely there; but should the Panchayat Committee be dissolved for it invoking Section 193 (2)? I am afraid not; the reason being that there was no persistent default as contemplated in Section 193(2).

Rule 7(4) of the KPR (preparation of citizens charter) Rules 2004 also cannot be justly invoked in the case as deliberate default is not proved.

In the circumstances I close the petition with a warning to the President and Members of the Panchayat committee stressing the importance of the mandatory provision in Section 272A. The Secretary should have taken care to ensure compliance with the provision.

The Respondent has now produced copies of the revised edition 2008. I direct that adequate number of copies of this edition be supplied to the public free of cost and with due publicity.

Rule 4(2) and 4(3) of the rules also be complied with within one month.

Closed subject to the above.

Justice M.R. Hariharan Nair,

Ombudsman.