ORIGINAL PETITION No.225/2007 Dated 26-04-2007

Velumpi Vs. Secretary Kadampanad Grama Panchayat

ORDER

Heard both sides.

The petitioners' grievance is that the petitioners have applied for the assistance for construction of houses from the Harijan Welfare Department and the petitioners were selected as Nos.1 and 2 in the list. The Harijan Welfare Department has ear-marked fund for giving the benefit, Rs.80,000/- in the Panchayat. According to the petitioners, the preference given by the Harijan Welfare Department has been disturbed while preparing the common list of beneficiaries among the members of the Scheduled Caste by the Panchayat. The panchayat has independently prepared a list of the members of the Scheduled Caste and while preparing such list, the petitioners' preference has been ignored.

The problem involved in this case is entirely technical. Till 13-12-2006 the Harijan Welfare Department invited applications from the deserving candidates and such candidates will be given the benefit from the department. But this benefit has been given without any reference to the panchayat. I am told that this method has been changed from 13-12-2006 onwards. According to the changed method, eventhough beneficiaries are selected by the Harijan Welfaree Department, those candidates have to be got approved by the Grama Sabha of the concerned panchayat. Therefore the contention of the Panchayat is that the Panchayat has got its own list to extend the benfit for 8 persons including the petitioners which was sent by the Harijan Welfare Department to get approval of the Grama Sabha. But the selection process was over and candidates were identified by the Harijan Welfare Department and therefore the petitioners, even though not approved by the Grana Sabha, cannot be denied with the benefit since till 13-12-2006 approval of the Grama Sabha was not necessary for such candidates. Therefore the Panchayat is directed to approve the list prepared by the Harijan Welfare Department independently and send back to the Harijan Welfare Department.

(…….2

For considering the list by the Grama Sabha, the Panchayat cannot go into the merit of the candidates once again as to whether they are fit to get the benefit according to the norms recorded for the project. I make it clear that the Panchayat can make change of the list only if the petitioner did not satisfy the basic norms prescribed for the benefit or on a fraud played on Panchayat.

With this direction, the matter is closed.

Justice T.K. Chandrasekhara Das,
Ombudsman.