

Award by the Ombudsman MGNREGA in accordance with Instructions on Ombudsman para 13 of instructions (under section 27 of MGNREGA Act, 2005) District Kangra, Vikas Bhawan, DRDA, Dharamsala (H. P.)

Award No. MGNREGA/2010/7-672

Dated: 1st February, 2011

Sh. Jagdish Prakash Sharma, President Samaj Sudhar Sabha Choukath, Teh. Jawalamukhi, District Kangra, Himachal Pradesh.

Complainant/ Applicant

Versus

1. Sh. Ramesh Kumar Sharma, Pradhan, G.P. Kopra, P.O. Chokhath, teh. Jawalamukhi, Distt. Kangra, H.P.
2. The Block Development Officer Dehra, district Kangra, H.P.
3. Secretary, G.P. Kopra, P.O. Chokath, Teh. Jawalamukhi, Distt. Kangra, H.P.

Respondents/ Defendants

1 Facts:-

The present complaint has been filed by Sh. Jagdish Prakash Sharma, President Samaj Sudhar Sabha Choukath, Teh. Jawalamukhi, District Kangra applicant/complainant. In brief, the main allegations as alleged in the complaint are that the functionaries of the Gram Panchayat Kopra development Block Dehra have committed financial and technical irregularities in the mustrolls used for the execution of MGNREGA works. The complainant has mentioned mustroll nos. 019661, 019913 & 019974 where in regularities regarding irregular marking of attendance have been pointed out. The complaint which was received on 30-10-2010 was diarised on 01-11-2010 and was sent to Block Development Officer-cum-Programme Officer (MGNREGA) Dev. Block Dehra vide letter no. Ombudsman / 280 dt. 01-11-2010. The proceedings in the matter were fixed on 24-11-2010 at 11:40 A.M. in the office of Ombudsman MGNREGA, District Kangra at Dharamshala. The BDO-cum-PO MGNREGA was specifically directed to sent comments concerning his role in the implementation of MGNREGA programme and attend the proceedings along with relevant record.

2. Statements of Parties

On 24-11-2010 the statement of the complainant Sh. Jagdish Prakash Sharma (P-1) was recorded who has stated that he wrote to BDO-cum- PO MGNREGA Dehra mentioning his grievances but since no reply/ response was sent by the BDO therefore, he was compelled to make a complaint before the Ombudsman MGNREGA. He has further stated that he has pointed out irregularities in the execution of MGNREGA works in Panchayat that is construction of path from the House of Man Chand S/o Late Sh. Bhagirath to the House of Sh. Roshan Lal in Katoi ward of G.P. Kopra. Has further stated that he has mentioned details of mustrolls as **i) 019661** 01/03/2008 to 15/03/2008- Rs. 4,500/-, **ii) 019913** – 16/03/2008 to 31/03/2008- Rs, 7,000/-, **iii) 019974-** 01/04/2008 to 30/04/2008- Rs. 3,781/- G. Total Rs.15,281/-. In mustroll no. 019661 Sh. Rashpal Singh S/o Sh. Sher Singh entered at sr. no. 10. of the mustroll has been marked present with effect from 08/03/2008 whereas persons entered in the same mustroll from sr. no. 2 to 9 have been marked present from 11/03/2008. Has stressed that the name of Rashpal Singh should have been entered above the persons sr. no. 2 to 9. Similarly in mustroll no. 019913 from 16/03/2008 to 31/03/2008

the name of Sh. Rashpal Singh has been entered at sr. no. 4 and has been shown absent on 16 and marked present on 17, 18, 19, 20, 22 & 23, his name should have been entered after the names of other persons and marked present accordingly. In mustroll no. 019974 the name of Sh. Kashmir Singh in charge mustrolls ward Panch katoi has been entered at sr. no. 8 of the mustroll and marked present on 01/04/2008 whereas the attendance of other labourers has not been marked on 01/04/2008 which is procedurally and technically incorrect. As a matter of fact the attendance of labourers should have been marked on the very first date of start of MGNREGA work. He has further stated that different types of ink and handwriting have been used in writing the mustrolls and marking the attendance. In cross examination the complainant has admitted that his complaint is based on facts and all the allegations alleged in the complaint are related to technical mistakes committed in the mustrolls. Sh. Ramesh Kumar Sharma, Pradhan (D-1), G.P. Kopra, P.O. Chokath, Teh. Jawalamukhi, Distt. Kangra, H.P. has stated that the responsibility of supervising the sanctioned MGNREGA work i.e. construction of path from Man Chand House to Rashan Lal house was assigned to Sh. Kashmir Singh Ward Panch- 7. Three mustrolls 01661, 019913 & 019974 were handed over to him and the attendance have been marked and verified by him in these mustrolls. The wages of the workers who worked against the above work were paid in accordance with the attendance marked and verified by him. In cross examination the Pradhan has admitted that the payment of wages has been made through cheque. Sh. Kashmir Singh (D-2) s/o Bali Ram Ward Member-7 has stated that he was assigned the responsibility of execution of MGNREGA work viz construction of path from Man Chand House to the Rashan Lal house and three mustrolls 019661, 019913, 019974 were handed over to him for entering the names of labourers and marking of attendance. He has further stated that the names in these mustrolls have been written by him and he has been marking attendance of the workers engaged against the work daily. He has further stated that only attendance of those workers who had worked actually on the spot were marked by him on the mustroll. The attendances have been verified by him. In cross examination by the complainant Sh. Kashmir Singh (D- 2) has admitted that the signature at sr. no.1 in mustroll no. 019913 is of Bir Singh whose name has been written by me in the mustroll. Sh. Sandeep Kumar, Assistant Secretary (D-3) G.P. Kopra has stated that as per record in mustroll no. 019661, 019913 & 019974 attendance have been marked and verified by Sh. Kashmir Singh ward Panch-7 (exhibit mustroll no. 019661, 019913 & 019974 D3-doc.-1).

3. Issues for consideration

On the basis of statements of the complainant/ applicant (P-1), the respondents (D-1 to D-3) and documents placed on record the following issues are hereby framed :-

Issue-I:- Whether financial irregularities have been committed in the mustrolls by the functionaries of the Panchayat? If yes, to what extent?

Issue-II :- Whether only procedural or technical irregularities have been committed in the execution of the MGNREGA works?

Issue-III :- Whether the BDO-cum-PO MGNREGA Dehra has conducted inquiry into the allegations as alleged by the complainant in the complaint or not?

4. Issue-wise Findings

On in-depth examination of the contents of complaint, the statements of complainant (P-1), respondents (D-1 and D-3), Photostat certified copies of the

documents placed on record. Issue wise finding and conclusions with reasons are drawn as under:-

Issue-I :- Answer to issue -I is, No, in-depth scrutiny of the mustrolls no. 019661, 019913 & 019974 which are placed on record as exhibit (D-3 doc.-1) explicitly shows that there is no financial irregularity committed by the functionary of the Panchayat in these mustrolls.

Issue-II :- Answer to issue -II is, Yes, to the extent that procedural and technical mistakes as pointed out by the complainant exist in the mustrolls. Moreover, the complainant has himself admitted in his cross examination that the complaint is on the basis of technical mistakes which have been committed by the ward Member-7 Sh. Kashmir Singh who was assigned the job to mark and verify attendance of the MGNREGA labourers engaged in the execution of sanctioned MGNREGA work. In fact, since the functionaries of the Panchayat such as Pradhan, ward members who are generally suppose to supervise the execution of works are not so well trained procedurally and technically and under the circumstances it cannot be expected from them to do the things procedurally.

Issue-III :- Answer to issue-III is , Yes, to extent that the BDO-cum-PO MGNREGA Dehra has not been able to redress the grievances of the complainant timely for the reason best known to him. Had the BDO-cum-PO MGNREGA taken pain to redress the grievances of the complainant in terms of scheduled-II (36 a, b, c, d) Page 26(C) of the MGNREGA Act, 2005 such complaints on technical and procedural grounds could have been avoided. As per version of the complainant in the complaint Sh. Sansar Chand Choudhary and Trilok Chand Choudhary were functioning as BDO-cum-PO at that time. The BDO-cum-PO has not been able to conduct inquiry into the allegations as alleged by the complainant in his complaint address to BDO. Not only this, the copy of the complaint which was address to the Ombudsman MGNREGA District Kangra was sent to BDO-cum-PO MGNREGA, Dehra vide letter no. Ombudsman/280 dated 01-11-2010 and he was directed to send his comments and attend the inquiry fixed on 24-11-2010 at 11:00 A.M. but neither the comments were sent by him nor attended the proceedings fixed for 24-11-2010 to present his respective claim in the matter. Therefore, issue no. III stands decided in favour of the complainant.


5. Conclusion

In view of foregoing reasons and findings, the allegations alleged in the present complaint i.e. issue no.-I has not been proved. Issue no-II and III have been proved to some extent.

Copy of this award be sent to the complainant Sh. Jagdish Prakash Sharma, President Samaj Sudhar Sabha Choukath, Sh. Ramesh Kumar Sharma, Ex-Pradhan & Secretary, G.P. Kopra, Panchayat, BDO-Cum-PO (MGNREGA) Dehra and Deputy Commissioner-cum-District Programme Coordinator (MGNREGA) Kangra at Dharamshala for information and further necessary action.

Copy of the award may be sent to the Secretary (Rural Development) to the Government of Himachal Pradesh for information and further necessary action.

Announced


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Vikas Bhawan, DRDA,
District Kangra,
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Issue-II :- Answer to issue -II is, Yes, to the extent that procedural and technical mistakes as pointed out by the complainant exist in the mustrolls. Moreover, the complainant has himself admitted in his cross examination that the complaint is on the basis of technical mistakes which have been committed by the ward Member-7 Sh. Kashmir Singh who was assigned the job to mark and verify attendance of the MGNREGA labourers engaged in the execution of sanctioned MGNREGA work. In fact, since the functionaries of the Panchayat such as Pradhan, ward members who are generally suppose to supervise the execution of works are not so well trained procedurally and technically and under the circumstances it cannot be expected from them to do the things procedurally.

Issue-III :- Answer to issue-III is , Yes, to extent that the BDO-cum-PO MGNREGA Dehra has not been able to redress the grievances of the complainant timely for the reason best known to him. Had the BDO-cum-PO MGNREGA taken pain to redress the grievances of the complainant in terms of scheduled-II (36 a, b, c, d) Page 26(C) of the MGNREGA Act, 2005 such complaints on technical and procedural grounds could have been avoided. As per version of the complainant in the complaint Sh. Sansar Chand Choudhary and Trilok Chand Choudhary were functioning as BDO-cum-PO at that time. The BDO-cum-PO has not been able to conduct inquiry into the allegations as alleged by the complainant in his complaint address to BDO. Not only this, the copy of the complaint which was address to the Ombudsman MGNREGA District Kangra was sent to BDO-cum-PO MGNREGA, Dehra vide letter no. Ombudsman/280 dated 01-11-2010 and he was directed to send his comments and attend the inquiry fixed on 24-11-2010 at 11:00 A.M. but neither the comments were sent by him nor attended the proceedings fixed for 24-11-2010 to present his respective claim in the matter. Therefore, issue no. III stands decided in favour of the complainant.

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