

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13747 of 2024**

=====

SHAMJI KOYABHAI GARVAL

Versus

THE STATE OF GUJARAT & ORS.

=====

Appearance:

MR ABHIJIT RATHOD(12976) for the Petitioner(s) No. 1

MR DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

=====

CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 23/09/2024****ORAL ORDER**

1. Mr Abhijit Rathod, learned advocate appearing for the petitioner submitted that allegation, is misutilization of the fund of 14th Finance Commission on the ground that it were used for the salaries of the employees which was impermissible. It is submitted that it was during the covid-19, that steps were taken. It is submitted that on 12.04.2021, the proposal was prepared by the accountant which was placed before the petitioner for its opinion and the file, was placed before the President together with the opinion of the petitioner and the President, has taken the final decision.

2. It is submitted that order has been passed which was subject matter of challenge before the 2nd Additional District and Sessions Judge and it has been directed that the amount utilized from 14th Finance Commission for paying salaries of municipality employees, be recovered from the municipality. Besides, the Regional Commissioner, Municipality has been directed to initiate disciplinary action against the petitioner. It is submitted that no action can be

taken as per the provisions of Section 70 of the Gujarat Municipalities Act, 1963. It is submitted that the municipality has been absolved; however, the accountant and the Chief Officer, only have been held guilty.

3. Considered the submissions. Issue notice to the respondents returnable on 07.10.2024. By way of an ad-interim relief, till the next date of hearing, the direction, namely, disciplinary action to be initiated against the petitioner, is hereby stayed.

4. Direct service is permitted.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)