

Court No. - 6

Case :- WRIT - C No. - 6930 of 2021

Petitioner :- Smt. Fatma Begum

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Adarsh Tiwari, Aniruddha Ojha

Counsel for Respondent :- C.S.C., Manas Bhargava, Shailesh Pandey

Hon'ble Mrs. Manju Rani Chauhan, J.

List revised. None appears on behalf of the petitioner. Mr. Manas Bhargava, learned counsel for respondent no.2/Lokayukta and Mr. Rishi Kumar, learned Standing Counsel for the State-respondents are present.

The writ petition has been filed with a prayer to quash the impugned inquiry proceeding initiated by respondent no.3 and with further prayer to direct the respondent no.3 not to proceed in the inquiry against the petitioner.

Learned counsel for the petitioner submits that petitioner is a Village Pradhan of Village Panchayat Godhi District Moradabad. On a complaint made by respondent no.5, after several set of litigations before this Court an inquiry was conducted and as per direction of this Court, the petitioner was discharged from every charge of embezzlement, and the complaint as made by respondent no.5, was rejected by order dated 07.03.2019 passed by District Magistrate. On the same set of allegations, another complaint was moved by respondent no.5, on which, District Magistrate, Moradabad was directed for an inquiry. After inquiry, a report was submitted that the complaint has been made only in order to take revenge. The respondent no.5 moved another complaint dated 11.09.2020 before Lokayukta, U.P., Lucknow. The Joint Secretary, Lokayukta, U.P. Lucknow through Up-Lokayukta, U.P. has issued an impugned letter dated 19.10.2020 directing District Magistrate to constitute Three Members Committee to conduct an inquiry.

Learned counsel for the petitioner further submits that the term of petitioner as Pradhan has already expired and the Lokayukta has no jurisdiction to pass any

direction in this regard to the District Magistrate regarding any illegality done by ex-pradhan. In support of his contention, he placed reliance of Section 7 of the Lokayukta and Up-Lokayukta Act, 1975, which defines the public servant, in which, the title of Pradhan is missing. Therefore, the order passed by Up-Lokayukta directing for inquiry is bad and the same may be set aside.

Mr. Manas Bhargava, learned counsel for respondent no.2 as well as learned Standing Counsel, emphasizing upon paragraph nos.3 and 4 of the counter affidavit, filed by respondent no.2, which is taken on record, submit that though the complaint was filed by respondent no.5 before Lokayukta, Administration, U.P. against four persons including the Pradhan, but as per Section 2 of Uttar Pradesh Lokayukata & Up-Lokayuktas Act, 1975, 'Gram Pradhan' does not come under the above mentioned category, hence, it is not under the jurisdiction of Lokayukta Act due to which no inquiry whatsoever is being conducted by the administration against the petitioner. They further submit that there is nothing on record to show that officers are conducting any inquiry against the petitioner as the inquiry is only against public servants, as required under law, therefore, the writ petition is misconceived and is liable to be dismissed.

Accordingly, the writ petition is **dismissed** as misconceived.

Order Date :- 30.10.2023/Rahul.