

Court No. - 6

Case :- WRIT - C No. - 6270 of 2023

Petitioner :- Rajendra

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ved Prakash Mishra

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

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Ms. Nandini Pandey, Advocate, holding brief of Mr. Ved Prakash Mishra, learned counsel for the petitioner, Mr. Manas Bhargava, learned counsel for respondent no.2/Lokayukta and Mr. Rishi Kumar, learned Standing Counsel for the State-respondents.

The writ petition has been filed with a prayer to quash the impugned order dated 09.02.2023 passed by respondent no.5, Additional District Magistrate, Bijnor, with a further prayer to direct the respondents not to make any inquiry against the petitioner.

Learned counsel for the petitioner submits that petitioner was elected as Village Pradhan of Village Panchayat Sehal, Post Lalubala, Block Bhagatpur Tanda, District Moradabad. A complaint was made by respondent no.7 pointing out irregularities as done by petitioner in the work of village development. The inquiry was conducted by respondent no.6, in this regard and a report was submitted before respondent no.4 on 18.02.2022 where the allegations as made against the Pradhan were not found to be true. Another complaint dated 31.07.2020 was moved by respondent no.7, on which, an inquiry was conducted and the allegations as made by respondent no.7 were not found to be true. However, an order dated 13.04.2022 was passed by respondent no.4 to constitute two member committee for inquiry of development work as

done in the concerned village panchayat. Accordingly, the impugned order dated 09.02.2023 has been passed directing for inquiry against the petitioner. He 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 made 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 the Additional District Magistrate dated 09.02.2023 directing for an inquiry against the petitioner is illegal, arbitrary and unjustified and the same may be set aside.

Mr. Manas Bhargava, learned counsel for respondent no.2 as well as learned Standing Counsel, emphasizing on paragraph nos.4, 5 and 10 of the counter affidavit, submit that though the complaint was filed by respondent no.7 before Lokayukta, Administration, U.P. against three persons including the Pradhan but as per Section 2 (J) of Uttar Pradesh Lokayukata & Up-Lokayuktas Act, 1975, only officers under the category under Public Servant enquiry is being constituted/done by the Lokayukta Administration regarding the work which has been done by the public servants. They further submit that the present writ petition has been filed by the petitioner just to save the public servants against whom the inquiry is being conducted and there is nothing on record to show that any inquiry against the petitioner is being conducted as it 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.