

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4553 of 2020

Applicant :- Ram Niwas

Opposite Party :- Mr Rakesh Kumar Mishra, Collector/ District Magistrate

Counsel for Applicant :- Girish Chandra Shukla, Sanjay Maurya

Counsel for Opposite Party :- K.R. Singh

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 22.07.2020 while disposing of Writ - C No.11310 of 2020 passed the following order :

"Petitioner claims to have made a complaint against the elected Pradhan, which is supported by an affidavit. According to petitioner various amount drawn by the Pradhan has been misutilized. It is stated that such complaint of the petitioner has not been examined and no action has been taken against the elected Pradhan, hence this writ petition.

Learned Standing Counsel states that petitioner's grievance shall be examined by the authority competent, in accordance with law.

Considering the nature of the order proposed to be passed, notices need not be issued to respondent no.4, and the writ petition is being disposed of, at this stage itself.

In the facts and circumstances, noticed above, this writ petition stands disposed of permitting the petitioner to represent his grievance before respondent no.2, annexing all relevant materials in support of his claim, alongwith a copy of this order, within two weeks from today. The concerned respondent i.e. respondent no.2 shall get the matter verified and in case it is found that a complaint supported with affidavit has been filed against the elected Pradhan, he shall take necessary action, as may be warranted in law, keeping in view the provisions contained in U.P. Panchayat Raj (Removal of Pradhan, Up-Pradhan and Members) Enquiry Rules, 1997, within a further period of six weeks, thereafter. It goes without saying that an adequate opportunity in accordance with the rules would be given to the fourth respondents and the authorities shall act, in accordance with the rules."

A compliance affidavit has been filed by the State wherein, in para 8, it has been stated that the irregularity committed by the Pradhan and the Secretary was assessed at Rs.1,26,097/-. Further the ex-Pradhan had already deposited an amount of Rs.63,048.50 with the State while the Secretary Jagdish Babu Prajapati had expired on 27.04.2021 and the proceedings are going on for recovery of the amount from the legal heirs.

A rejoinder affidavit to the compliance affidavit has been filed by

the applicant wherein in para 4 it has been stated that Annexure 3 filed by the State along with compliance affidavit reveals that irregularity has been committed of Rs.13,10,810/- while the assessment has been done of Rs.1,26,097/-.

After hearing learned counsel for the parties and perusal of material on record, especially Annexure 3 to the compliance affidavit, it is clear that the chart which has been mentioned in page 19 only reveals the work which has been done by the Pradhan during his tenure for the years 2016-17, 2017-18 and 2018-19 was to the tune of Rs.13,10,810/-. It is not the irregularity committed by him but after the assessment, it was found that the irregularity was to the tune of Rs.1,26,097.

In view of the said fact, as the order of the writ Court has been complied with, no case for contempt is made out. Contempt application is misconceived.

Dismissed.

Order Date :- 28.11.2023

Kushal