

Court No. - 6

Case :- WRIT - C No. - 24542 of 2022

Petitioner :- Abbas Ali

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Zafar Abbas, Imtiaz Husain

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

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Zafar Abbas, learned counsel for the petitioner, Mr. Manas Bhargava, learned counsel for respondent no.2 and learned Standing Counsel for the State-respondents.

The writ petition has been filed with a prayer to quash the order dated 06.04.2022 passed by District Magistrate, Moradabad as well as order dated 02.09.2020 passed by Joint Development Commissioner, Moradabad and order dated 12.02.2020 passed by Commissioner, Moradabad Division, Moradabad.

Learned counsel for the petitioner submits that petitioner was elected as Village Pradhan of Village Panchayat Bhikanpur Kulwara, Block Kundarki, District Moradabad. On a complaint made by respondent no.8, an inquiry was held against the petitioner, in which, nothing has been found against the petitioner and the authorities are again proceeding to get an inquiry conducted by filing complaint before Lokayukta, U.P., Lucknow, in which, a direction has been given to the concerned authority to enquire into the matter and take action against the Pradhan, who is the petitioner. It is further contended by learned counsel for the petitioner 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 orders impugned passed by authorities concerned 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 upon paragraph nos.4 and 5 of the counter affidavit, filed by respondent no.2, which is taken on record, submit that the complaint was filed by respondent no.8 before Lokayukta, Administration, U.P. against 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. As per section 2(H) of Uttar Pradesh Lokayukata & Up-Lokayuktas Act, 1975, only officers coming under the category under Public Servant enquiry is being constituted/done by the administration regarding the work which has been done by the public servants. 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.