

Court No. - 6

Case :- WRIT - C No. - 28188 of 2023

Petitioner :- Umakant Pandey And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Arvind Kumar Dixit

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Learned counsel for the petitioner is permitted to delete the petitioner nos. 1 and 2 during the course of the day.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

The petition has been filed with a prayer to quash the order dated 19.06.2023 and 29.06.2023 passed by D.M. Varanasi issued against the petitioner namely Nandlal son of Ramdev.

Learned counsel for the petitioner submits that the enquiry has not been conducted by the competent authority i.e. Chief Audit Officer, therefore, enquiry should be initiated. In support of his submission he has relied upon the judgement and order dated 16.12.2022 passed in **Writ C No. 28230 of 2022 (Dinesh Kumar and 4 others Vs. State of U.P. and 3 others)** wherein issues have been settled by this Court.

In view of the above, the impugned order dated 19.06.2023 and 29.06.2023 passed by District Magistrate, Varanasi, is quashed.

Accordingly, the writ petition stands **allowed**.

However, it is open to the authority concerned to get the proper enquiry conducted by the competent officer and proceed in accordance with law.

Order Date :- 19.10.2023

Arti