

Court No. - 6

Case :- WRIT - C No. - 31401 of 2023

Petitioner :- Rahil Husain

Respondent :- State Of U.P. And 4 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.3 and learned Standing Counsel for the State-respondents.

The writ petition has been filed with a prayer to set aside the order dated 14.08.2023 passed by respondent no.2, Commissioner, Moradabad Division, Moradabad.

Learned counsel for the petitioner submits that on a complaint of respondent no.5, 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 order passed by the Commissioner dated 14.08.2023 constituting a Committee to conduct 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.3 as well as learned Standing Counsel, emphasizing on page 18 of the writ petition, submits that no action is being taken against the petitioner, who is ex-pradhan and it is only Vijendra, Block Development Officer, Block-Kundarki, District- Moradabad and Sri Sheel Prakash Arya, Additional Program Officer (MGNREGA), Block-Kundarki, District-Moradabad, who are public servants, against whom an inquiry has been directed. In addition to the aforesaid objection, learned counsel for respondent no.3 has passed on the instructions before the Court, which has been taken on record, wherein it has been stated that no action is being proposed against the Pradhan. 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.