

Court No. - 6

Case :- WRIT - C No. - 33887 of 2023

Petitioner :- Naubahar Singh

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

Counsel for Petitioner :- Upendra Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Upendra Upadhyay, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The writ petition has been filed by the petitioner assailing the order dated 11.09.2023 passed by respondent no.2, District Magistrate, whereby the financial and administrative powers of the petitioner Pradhan has been ceased.

Brief facts of the case are; the petitioner is an elected Gram Pradhan of Gram Panchayat Issepur, Block Najibabad, District Bijnore. On a complaint, a preliminary enquiry was conducted by District Development Officer, Bijnore and Junior Engineer, I.E.D., Bijnore, as directed by the District Magistrate. The enquiry report was submitted before the District Magistrate to issue a show cause notice to the petitioner, to which, a detailed reply was filed, after which, on the basis of aforesaid enquiry report, ceasing the financial and administrative powers of Pradhan, the impugned order has been passed, hence, the present petition has been filed.

Learned counsel for the petitioner submits that though he has given a detailed and specific reply that all the development work as mentioned in the show cause notice were done and the funds were released after technical verification that all work was up to

the mark, therefore, there was no fault on the part of the petitioner. The specific reply does not find consideration in the order impugned, therefore, the impugned order passed in violation of principles of natural justice. He lastly submits that the reply to the show cause notice denying charges levelled against him has not been considered and the submissions made by the petitioner in the aforesaid reply has not been dealt with in the order impugned, thus the same is liable to be set aside. In support of his submission, he has relied upon the judgement of this Court, in case of **Smt. Padmawati @ Padma Devi vs. State of U.P. Thru. Prin. Secy. Panchayat Raj & Ors.**, passed in **Misc. Single No.23948 of 2018**, decided on **15.03.2019**.

Learned Standing Counsel on the other hand submits that there is no illegality and infirmity in the order, as the order has been passed after following the proper procedure as prescribed under the U.P. Panchayat Raj Act 1947 read with Rules of 1997. As regards the submission that detailed reply as submitted by the petitioner has not been considered, reason has been mentioned and relying upon the other details, on the basis of preliminary enquiry, as conducted in accordance with law, a *prima facie* satisfaction has been recorded, to pass the order impugned, thus no interference is required. As regards the judgement as relied upon, by learned counsel for the petitioner in paragraph 21 itself, the concerned Court has recorded a finding, that, as per settled legal position, the order ceasing the financial and administrative powers of Pradhan need not contain elaborate reasons but it should disclose reasons to arrive at the decision showing application of mind to the facts in issue. Meaning thereby that elaborate reasons have not to be given while passing the order impugned of ceasing the financial and administrative powers of Pradhan but only a *prima facie*

satisfaction has to be recorded. In the present case on the basis of details of preliminary enquiry, wherein irregularity in the development work has been found, prima facie satisfaction regarding irregularity has been recorded.

In view of above, no interference is required as no ground is made out to quash the impugned order, accordingly the writ petition is **dismissed**.

However, it is directed that the concerned authorities may conclude final enquiry, in accordance with law, by means of a reasoned and speaking order, preferably within a period of **two months**, from the date of production of certified copy of this order. The petitioner is expected to co-operate in the enquiry.

Order Date :- 6.12.2023
Rahul.