

Court No. - 6

Case :- WRIT - C No. - 34403 of 2023

Petitioner :- Tanu Chaudhary

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

Counsel for Petitioner :- Anil Kumar Yadav, Udayan Nandan

Counsel for Respondent :- CSC, Atul Kumar

Hon'ble Mrs. Manju Rani Chauhan, J.

The present petition has been filed by the petitioner assailing the validity of an order dated 22.09.2023 passed by respondent no. 2 / District Magistrate, Muzaffarnagar, vide which financial and administrative powers of the petitioner have been ceased.

Heard Sri Shashi Nandan, learned Senior Advocate assisted by Sri Udayan Nandan and Sri Anil Yadav, learned counsel for the petitioner, learned Standing Counsel for the State respondents and learned counsel who has put in appearance on behalf of the complainant.

Learned counsel for the petitioner submits that the petitioner was elected as a Gram Pradhan of Gram Panchayat Bahadurpur Garhi, Block Shahpur, Muzaffarnagar. On some complaint dated 16.11.2022, the respondent no. 2 vide order dated 16.12.2022 directed Zila Khadi Gramodyog Adhikari Muzaffarnagar and Junior Engineer, Rural Engineering Services, Muzaffarnagar to conduct a preliminary enquiry. Pursuant thereto, the preliminary enquiry report was submitted on 21.01.2023, on which a show cause notice was issued to the petitioner on 30.01.2023. The petitioner submitted her reply on 17.02.2023, after which the Executive Engineer, Jal Nigam, Rural, Muzaffarnagar submitted inspection/ spot verification report assessing the loss as per the allegations in preliminary enquiry report before the District Magistrate, considering which

the order impugned has been passed.

Learned counsel for the petitioner submits that the assessment report was not supplied to the petitioner and there is no consideration of the details of the said report in the order impugned, on the basis of which the District Magistrate has recorded prima facie satisfaction before ceasing the financial and administrative powers of the petitioner. He further submits that the impugned order is only a reproduction of allegations as levelled against the petitioner and the reply as submitted by her, as also there being no consideration of the same prior to arriving at the conclusion in the order impugned.

Learned Standing Counsel and the learned counsel appearing for the complainant could not dispute the aforementioned submission regarding consideration of the reply, however, as regards the assessment report, same has been provided to the petitioner on 04.08.2023.

In view of the above, this Court finds that the order impugned has been passed without considering the reply as submitted by the petitioner and the same is in violation of the principles of natural justice. Accordingly, the impugned order dated 22.09.2023 is set aside. It is open to the authority concerned to pass a fresh order after considering the detailed reply submitted by the petitioner.

The writ petition stands allowed accordingly.

No order as to costs.

Order Date :- 7.12.2023
DS