

Court No. - 6

Case :- WRIT - C No. - 36868 of 2023

Petitioner :- Rama Shankar

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

Counsel for Petitioner :- Prem Prakash

Counsel for Respondent :- C.S.C

Hon'ble Mrs. Manju Rani Chauhan,J.

The petitioner has preferred the instant writ petition challenging an order dated 16.09.2023 passed by respondent no. 2, vide which financial and administrative powers of the petitioner have been ceased.

Brief facts of the case are that the petitioner was elected as Gram Pradhan, Gram Panchayat Kishunpur, Block Chhanbe, District Mirzapur in Gram Panchayat Elections of 2020. It appears that a complaint was made against the Pradhan for not carrying out the development work of the village concerned.

On the aforesaid complaint, the District Magistrate by order dated 15.05.2023 appointed the District Social Welfare Officer (Development), Mirzapur as Enquiry Officer and Assistant Engineer-I, Bad Sagar Nahar Nirman Khand-8, Mirzapur for technical assistance to conduct a preliminary enquiry. The final enquiry report mentioning seven points was placed before the District Magistrate, on which a show cause notice was issued to the petitioner on 19.06.2023, to which the petitioner submitted a reply dated 20.07.2023. As the technical assessment of the irregularities done by the Pradhan was not assessed by the Committee, therefore, a Technical Committee was constituted for specifically calculating the amount as embezzled by the Pradhan. On the basis of prima facie satisfaction recorded by the District Magistrate, who relied upon the preliminary report as conducted by the competent authority, i.e., District Social Welfare Officer, as appointed by the District Magistrate, the order impugned dated 16.09.2023 has been passed ceasing financial and administrative powers of the petitioner as Gram Pradhan, hence this writ petition.

Learned counsel for the petitioner submits that financial and administrative powers of the Pradhan cannot be ceased on the basis of preliminary enquiry report hence the impugned order is liable to be set aside. In support of his submission, he has relied upon a judgement of this Court in the case of **Shashi Kant v. State of U.P. and others, 2018(6) ADJ 241.**

Learned Standing Counsel, on the other hand, submits that there is no illegality or infirmity in the order impugned as the same has been passed following the procedure as laid down in the U.P. Panchayat Raj Act, 1947 read with U.P. Panchayat Raj (Removal of Pradhans, Up-Pradhans and Member), Enquiry Rules, 1997. He further submits that learned counsel for the petitioner has misread the judgement in **Shashi Kant (supra)**, wherein in paragraph nos. 10 & 11 it has been made clear that after recording prima facie satisfaction, on the basis of preliminary enquiry report as submitted by the officer deputed under Rule 2(c) of the Rules, 1997, the order ceasing financial and administrative powers of the Pradhan, can be passed.

As per instructions received by the learned Standing Counsel, he submits that final enquiry has already been concluded against the Pradhan on 08.11.2023 and the report has been placed before the District Panchayat Raj Officer on 22.11.2023.

In view of the above, no interference is called upon. The writ petition stands dismissed.

No order as to costs.

Order Date :- 30.11.2023

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