

Court No. - 6

Case :- WRIT - C No. - 37561 of 2023

Petitioner :- Smt. Kusmawati

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Navneet Lal Srivastava, Akshay Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Navneet Lal Srivastava, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The writ petition has been filed by the petitioner with prayer to quash the impugned order dated 19.10.2023 passed by respondent no.2 whereby the financial and administrative powers of the petitioner has been ceased invoking the provisions of Section 95(1) (G) of U.P. Panchayat Raj Act, 1947.

Brief facts of the case are; the petitioner was duly elected as Gram Pradhan of Gram Panchayat- Tedhi, Vikas Khand-Laxmipur, Tehsil- Nautanwa, District- Maharajganj, in the year 2021. On a complaint made against him regarding irregularities in development work done by the petitioner, preliminary inquiry has been conducted by District Gram Udyog Adhikari, on the basis of which, a show cause notice has been issued to the petitioner to which he has submitted reply. After which the order impugned dated 19.10.2023, ceasing financial and administrative powers of the petitioner, has been passed, hence, the present petition has been filed.

Learned counsel for the petitioner submits that District Gram

Udyog Adhikari is not a competent officer as provided under Rule 2(C) of U.P. Panchayati Raj (Removal of Pradhans and Up-Prdhans and Members) Enquiry Rule, 1997. He further submits that the reply of the petitioner has not been considered in a proper manner wherein he has stated that he has installed street lights as required, therefore, the order impugned is bad in the eyes of law and the same may be set aside.

Learned Standing Counsel on the other hand submits that there is no illegality and infirmity in the order impugned. The impugned order has been passed after following the proper procedure as prescribed under the U.P. Panchayat Raj Act 1947 read with Rules of 1997, wherein an inquiry has been conducted by the competent officer and relying upon the report of that enquiry, prima facie satisfaction has been recorded by the District Magistrate, after which the order impugned has been passed.

In view of above, no interference is required and the writ petition is accordingly **dismissed**.

However, it is directed that the authorities concerned may conclude final enquiry, within a period of **three months**, from the date of production of certified copy of this order. The petitioner is directed to co-operate in the enquiry.

Order Date :- 29.11.2023
Rahul.