

Court No. - 34

Case :- WRIT - A No. - 18853 of 2023

Petitioner :- Mahaveer Prasad Shukla

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Chandra Prakash Tiwari

Counsel for Respondent :- C.S.C

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition filed under Article 226 of the Constitution of India, the petitioner has questioned the notice dated 31.05.2023, 21.07.2023 and further final notice dated 30.08.2023 whereby he has been directed to submit reply as to why he may not be saddled with the recovery under Section 27 (2) of the Uttar Pradesh Panchayat Raj Act, 1974.
3. Learned counsel for the petitioner submits that the said recovery from the retired employee by way of penalty could not have been done as he was admittedly a Village Development Officer i.e. Group-C employee.
4. Learned Standing Counsel on the contrary submits that it is mere a show cause notice.
5. In view of the above, I decline to grant indulgence in the matter at this stage.
6. It is directed that the petitioner would be raising all his grievances by including plea of Article 351 A of Civil Services Regulations in reply to the show cause notice lastly issued on 30.08.2023 and if he does so within a period of four weeks from today, same shall be looked into and matter of show cause notice shall be disposed of by means of reasoned and speaking order within further two months' time.
7. In the event such order is passed disposing of the matter, no coercive measure shall be taken merely on account of show cause notice.
8. With the aforesaid observations and directions, this petition stands ***disposed of.***

Order Date :- 8.11.2023

Deepika