

**Court No. - 34**

**Case :-** WRIT - A No. - 20053 of 2023

**Petitioner :-** Inderjeet Singh

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Suresh Chandra Dwivedi, Ashutosh Dwivedi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajit Kumar, J.**

Heard Sri Suresh Chandra Dwivedi, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

Petitioner, who is Gram Panchayat Adhikari, is saddled with the liability to pay Rs.21,36,333/- along with interest @ 12% for the financial lost caused to the Gram Panchayat on account of mismanagement/ misappropriation of public fund.

It appears that some audit objection was taken in the matter and upon complying with the provisions as laid down under Rule 256 read with Rule 257 of U.P. Panchayatraj Rules, 1947, an order of surcharge under Section 27 has come to be passed.

Learned Standing Counsel submits that petitioner has an alternative efficacious remedy of appeal before the District Magistrate against the order impugned and he has no objection in the event petitioner is directed to prefer an appeal and appeal is directed further to be disposed of in accordance with law.

In view of the above, this petition at this stage stands disposed of with a direction that in the event petitioner prefers an appeal along with stay application against the order of penalty dated 7th October, 2023 within three weeks from today, his stay application shall be disposed of within the next 10 days' time and, thereafter the appeal will also be disposed of within the next two months' time.

For the period of six weeks from today or till the disposal of interim application for stay by the District Magistrate concerned, the recovery pursuant to the order dated 7th October, 2023 shall not be pursued against the petitioner.

**Order Date :-** 11.12.2023

Atmesh