

Court No. - 8

Case :- WRIT - A No. - 5532 of 2019

Petitioner :- Shobh Nath Maurya

Respondent :- State Of U.P. Thru Prin.Secy. Gram Vikas Vibhag Lko. And Ors.

Counsel for Petitioner :- Vijai Shankar Tripathi, Vijay Bhan Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Vijay Shankar Tripathi, learned counsel for the petitioner and Sri Kuldeep Singh, learned Standing Counsel.

2. The present writ petition under Article 226 of the constitution of India has been filed seeking a writ of Certiorari quashing the order dated 20.9.2018, whereby the loss caused to the Government exchequer allegedly by the petitioner and three others to the extent of Rs.94,88,440/- has been directed to be recovered proportionately from the said four persons. So far the petitioner is concerned, the recovery amount is of Rs.47,44,222/-.

3. The petitioner while holding the post of Block Development Officer, Block Sandwa Chandrika, District Pratapgarh, certain works under the MNREGA scheme were carried out by him. There were complaints regarding payment being made without execution of the work. The Commissioner, Village Development, Government of Uttar Pradesh directed an inquiry in respect of the allegations in implementing/carrying out the works under the MNREGA scheme in Block Sandwa Chandrika. A two member committee was constituted, which carried out the detailed investigation of the work carried out under the MNREGA scheme in Block Sandwa Chandrika and the inquiry committee in its report dated 9.10.2017 found that the total loss caused to the Government exchequer was to the extent of Rs.94,88,440/- and proportionate penalty has been imposed on the

responsible officials, who had to execute the work.

4. The only ground which has been taken in the present writ petition, is that no opportunity of hearing was given to the petitioner before passing the impugned order for recovery of Rs.44,47,222/- from the petitioner.

5. Sri Kuldeep Singh, learned Standing Counsel though has opposed the prayer made in the writ petition, but does not dispute the assertion of the learned counsel for the petitioner that no opportunity of hearing was given to the petitioner before passing the impugned order.

6. Since the impugned order has civil consequences inasmuch as the amount of Rs.47,44,222/- is to be recovered from the petitioner, the District Magistrate ought to have issued a show cause notice to the petitioner enclosing a copy of the inquiry report and, after considering the reply, the order could have been passed.

7. In view thereof, the present writ petition is ***allowed*** and the impugned order dated 20.9.2018, so far it relates to the petitioner, is hereby quashed. The District Magistrate, Pratapgarh is directed to issue a show cause notice to the petitioner within a period of ten days from today enclosing a copy of the inquiry report dated 9.10.2017, to which the petitioner should submit his reply within a period of fifteen days thereafter. If the petitioner does not submit his reply within fifteen days from the date of issuance of show cause notice, no further opportunity shall be granted to the petitioner and the District Magistrate should pass a fresh order after giving opportunity of personal hearing to the petitioner.

Order Date :- 25.5.2023

Rao/-