

Court No. - 20

Case :- WRIT - A No. - 7781 of 2023

Petitioner :- Anoop Singh

Respondent :- State Of U.P. Thru. Prin.Secy. Panchayati Raj And 4 Others

Counsel for Petitioner :- O.P. Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard Mr. O.P. Tiwari, learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed challenging order dated 11.05.2021, 13.05.2021 and 25.06.2022 whereby recovery has been directed from emoluments of petitioner in pursuance of enquiry conducted in terms of a complaint with regard to infringement of provisions of U.P. Panchayat Raj Act, 1947.
3. It is submitted that with regard to certain complaints, enquiry was instituted under Section 95 (1)(g) of the U.P. Panchayat Raj Act, 1947 and the Gram Pradhan was penalized with regard to aforesaid. Petitioner is holding the post of Secretary of the Gram Panchayat, and by means of impugned order, he has been found guilty of charges levelled against him whereafter order of recovery has been issued. It is submitted that perusal of impugned orders will make it quite evident that only reply of Pradhan has been considered therein without adverting to reply submitted by petitioner against the show cause notice/charge sheet.
4. Learned State Counsel has refuted submissions advanced by learned counsel for petitioner with submission that on receipt of complaint regarding irregularities by Pradhan and petitioner, an enquiry was instituted and both the persons were found guilty whereafter impugned orders have been passed.

5. Upon consideration of submissions advanced by earned counsel for the parties and perusal of material on record, particularly the impugned orders, it is quite evident that orders have been passed pertaining to recovery from salary of petitioner without even advert to reply submitted by him dated 07.07.2020.

6. The impugned orders clearly advert to only reply submitted by Pradhan and therefore, it is evident that so far as petitioner is concerned, the orders are clearly ex parte in nature.

7. In view of aforesaid, impugned orders dated 11.05.2021, 13.05.2021 and 25.06.2022 are quashed by issuance of a writ in nature of Certiorari granting liberty to opposite parties to pass fresh orders but only after considering reply of petitioner and affording opportunity of hearing to him.

8. Resultantly, the petition succeeds and is **allowed** at the admission stage itself. There shall be no order as to costs.

Order Date :- 12.10.2023

kvg/-