

Court No. - 7

Case :- WRIT - A No. - 7866 of 2023

Petitioner :- Firoz Ahmad Khan

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Rural
Deptt. U.P. Lko. And 3 Others

Counsel for Petitioner :- Surya Kant Singh, Shubham Singh

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, learned Standing counsel appearing for the respondent nos.1, 3 & 4.
2. It is informed that the post of Lokpal / Ombudsman respondent no.2 is vacant at the moment.
3. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
4. The instant petition has been filed praying for quashing of the order dated 16.06.2023 passed by the respondent no.2 as well as consequential recovery order dated 14.07.2023 passed by the respondent no.3, copies of which are annexure nos.1 & 2 respectively to the petition.
5. The contention is that by means of the order impugned dated 16.06.2023, irregularities have been found against the petitioner and in pursuance thereof, the recovery order dated 14.07.2023 has been issued.
6. Learned counsel for the petitioner has indicated that prior to passing of the order impugned dated 16.06.2023, no opportunity of hearing has been given to the petitioner.
7. Considering the aforesaid, this Court vide order dated 11.10.2023 has required the learned Standing counsel to seek

instructions as to whether, prior to passing of the order dated 16.06.2023, the petitioner was afforded any opportunity of hearing.

8. Today, Shri Mathur, learned Additional Chief Standing counsel on the basis of instructions sent by the Chief Development Officer / Additional District Program Coordinator (MGNREGA), District Bahraich dated 19.12.2023 states that no opportunity of hearing had been afforded by the respondent no.2 to the petitioner prior to passing of the order impugned dated 16.06.2023.

9. Keeping in view of the aforesaid and as no opportunity of hearing was afforded to the petitioner prior to passing of the order impugned dated 16.06.2023, the writ petition is liable to be allowed and is **allowed**. The order impugned dated 16.06.2023, a copy of which is annexure no.1 to the petition is **quashed**. On the same analogy, the consequential recovery order dated 14.07.2023, a copy of which is annexure 2 to the petition, is also **quashed**.

10. However, it is open to the respondents to proceed afresh against the petitioner in accordance with law.

Order Date :- 21.12.2023

S. Shivhare