2026:AHC:208265

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 18591 of 2025

Raj Bahadur

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Indrapal
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1.This Court had passed the following order on 04.07.2025.

"1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents no.1 to 3 and Sri B. K. Tripathi, learned counsel for the respondent no.4.

2. The proceedings under Section 95 (1) (g) of the U.P. Panchayat Raj Act, 1947 was initiated against the respondent no.5/Gram Pradhan/Smt. Bharti Yadav by the district authorities. Ultimately vide order dated 18.03.2025 passed by the respondent no.2 namely District Magistrate, Jaunpur a final decision has been taken in the matter by which the respondent no.5 was exonerated.

3. It is argued by counsel for the petitioner that though he is only a complainant and once it is found that a sum of Rs.28500/- and Rs.34100/- has been embezzled by the Gram Pradhan considerable action be taken against her but in place of taking action, she was exonerated from the charges only on the ground that the aforesaid amount has already been deposited by her. It is further argued that though proceedings were initiated against the Gram Pradhan as well as Gram Panchayat Officer but punishment has been awarded to the Village Panchayat Officer. The relevant portion of the order reads as follows :-

"जॉच अधिकारी / जिला कार्यक्रम अधिकारी, जौनपुर द्वारा प्रस्तुत जॉच आख्या के क्रम में सम्बन्धित ग्राम प्रधान व सचिव, ग्राम पंचायत को जारी कारण बताओं नोटिस एवं सम्बन्धित ग्राम प्रधान व ग्राम पंचायत सचिव, द्वारा प्रस्तुत उत्तर । स्पष्टीकरण के क्रम में नैसर्गिक न्याय के सिद्धान्त के आधार पर दिनांक 27.02.2025 को सुनवाई की तिथि निर्धारित करते हुये शिकायतकर्ता श्री राजबहादुर यादव, ग्राम प्रधान श्रीमती भारती यादव, वर्तमान सचिव श्री प्रमोद

यादव, तत्कालीन सचिव श्री सजीव मौर्या, जॉच अधिकारी । जिला कार्यक्रम अधिकारी श्री नरेन्द्र सिंह, जिला पंचायत राज अधिकारी, जौनपुर की उपस्थिति में सुनवाई की गई। सुनवाई के समय जारी कारण बताओं नोटिस एवं प्राप्त उत्तर / स्पष्टीकरण के साथ संलग्न साक्ष्यों का परीक्षण किया गया। परीक्षणोपरान्त हनुमत डीह मन्दिर एवं शंकर भगवान मन्दिर पर हैण्डपम्प रिबोर कराये बिना मु0 62600.00 धनराशि आहरित वित्तीय गबन किया जाना पाया गया। जिसके सापेक्ष ग्राम प्रधान द्वारा उक्त गबन की गई धनराशि मु० 28500.00 दिनांक 07.03.2025 को एवं मु0 34100.00 दिनांक 08.03.2025 को को यू०बी०आई० चम्बलतारा में ग्रामनिधि के खाता संख्या 461702010052311 में जमा कर रसीद प्रस्तुत किया गया है।

अत: जाँच अधिकारी। जिला कार्यक्रम अधिकारी, जौनपुर द्वारा प्रस्तुत जाँच आख्या के क्रम में सम्बन्धित ग्राम प्रधान व सचिव, ग्राम पंचायत को जारी कारण बताओं नोटिस एवं प्राप्त उत्तररा स्पष्टीकरण के साथ संलग्न साक्ष्यों के परीक्षणोपरान्त गबन की गई शासकीय धनराशि मु० 62600.00 सम्बन्धित ग्राम पंचायत के ग्रामनिधि में जमा कर दिये जाने के फलस्वरूप शासकीय क्षति न होने की दशा में ग्राम प्रधान को भविष्य में इस प्रकार का कृत्य न करने के सम्बन्ध में कठोर चेतावनी एवं सम्बन्धित सचिव की एक वार्षिक वेतन वृद्धि बाधित करने के साथ प्रतिकूल प्रविष्टि प्रदान करते हुए शिकायतकर्ता द्वारा प्रस्तुत दिनांक रहित शिकायती प्रार्थना पत्र एतद्वारा निस्तारित किया जाता है।"

5. From perusal of the record it transpires that the findings recorded by the respondent no.2-District Magistrate, Jaunpur is against the provisions of law.

6. Issue notice to respondent no.5 fixing 07.08.2025.

7. Steps be taken within a week to serve aforesaid respondents through speed post AD.

8. List on 07.08.2025 within top ten cases. In the meanwhile, learned Standing Counsel will file counter affidavit."

2. As per the office report, out come of notice issued to respondent no. 5 is not on record.

3. Learned counsel for the petitioners/complainants submits that the procedure prescribed under Section 95(1) (g) of the U.P. Panchayat Raj Act for conducting an inquiry against the Pradhan requires that, where on basis of a preliminary inquiry if Pradhan is found to have been involved in financial embezzlement, a further inquiry into alleged financial irregularities is required to be conducted.

4. Having gone through the material available on record, this Court

finds that, although the procedure prescribed under law was not followed at the stage of preliminary inquiry but on basis of said inquiry concerned respondent was exonerated.

5. The Court takes note of subsequent events that tenure of respondent no. 5 has already come to an end. He is, therefore, no longer holding the office of Pradhan and is exercising on administrative powers. Consequently, even if this Court were to hold that further proceedings are required to be undertaken in accordance with law, respondent no. 5 cannot now be removed from the said office.

6. In view of the aforesaid procedural position as well as the subsequent events, no effective relief can be granted to the petitioner-complainant in the present writ petition.

7. The District Magistrate concerned is directed to ensure that, while conducting any such inquiry in future, the procedure prescribed under law is duly followed.

8. Subject to the aforesaid observation, the writ petition is dismissed.

October 5, 2026
Priyanka

(Saurabh Shyam Shamshery,J.)

Digitally signed by :-
PRIYANKA KUSHWAHA
High Court of Judicature at Allahabad