

**Court No. - 7**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 3332 of 2021

**Applicant :-** Singhasan

**Opposite Party :-** Sri Mangala Prasad Singh, Dm

**Counsel for Applicant :-** Udai Shankar Chauhan

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

Heard learned counsel for the applicant and perused the record.

By means of this contempt application filed under Section 12 of the Contempt of Courts Act, 1971 non-compliance of the order dated 04.02.2021 passed by writ Court in Writ- C No.- 3472 of 2021 is complained of.

It is submitted by learned counsel for the applicant that the proceedings were instituted against the sitting Gram Pradhan taking recourse to the provisions under U.P. Panchayat Raj (Removal of Pradhans, Up-Pradhans and Members) Enquiry Rules, 1997 and show cause notice was issued under Section 95(1)(g) of U.P. Panchayat Raj Act, 1947. It is submitted that no further action has been taken in respect thereof.

On a pointed query being made as to whether Gram Pradhan is still continuing in the office or not, learned counsel for the applicant submits that elections have been held in the year 2021 and new Gram Pradhan has come to be elected.

The question is now, therefore, as to whether still inquiry can be conducted under U.P. Panchayat Raj (Removal of Pradhans, Up-Pradhans and Members) Enquiry Rules, 1997 or not.

Learned counsel for the applicant has relied upon a judgment of Division Bench of this Court dated 19th May, 2011 passed in Writ- C No.- 28404 of 2011 (Smt. Suhaga Devi (Ex-Pradhan) vs. State of U.P. and others) in which vide paragraph 8 it has been held that the inquiry can be conducted in the event of misappropriation of public money by the Pradhan even after he has been relieved from his office after elections held and new incumbent has taken over.

In the considered opinion of the Court, the inquiry cannot be conducted under U.P. Panchayat Raj (Removal of Pradhans, Up-Pradhans and Members) Enquiry Rules, 1997 and inquiry if initiated, it is always open to the authority to hold inquiry taking the recourse of Section 27 of U.P. Panchayat Raj Act, 1947.

In such above view of the matter, at this stage, this application

is **disposed of** with a direction to the authority concerned to take an appropriate action in the matter if so desirable and bring the same to its logical end within a period of three months from the date of production of copy of this order in compliance of the order of writ Court.

It is provided that a copy of the order available on the official website of the High Court will be taken to be authentic one.

**Order Date :-** 1.9.2021

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