



2026:AHC:172225-DB

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**PUBLIC INTEREST LITIGATION (PIL) No. - 2208 of 2024**

Mahendra Kumar

.....Petitioner(s)

Versus

State of UP and 8 others

.....Respondent(s)

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|---------------------------|------------------------------------------------------------------|
| Counsel for Petitioner(s) | : D.P. Singh, Suhel Ahmad Azmi                                   |
| Counsel for Respondent(s) | : C.S.C., Azad Rai, Anshul Kumar Singhal, Abhishek Kumar Jaiswal |

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**Chief Justice's Court**

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE**  
**HON'BLE KSHITIJ SHAILENDRA, J.**

1. Heard Shri D.P. Singh, learned counsel for the petitioner, learned Standing Counsel for the State-respondents, Shri Azad Rai, learned counsel appearing for Gaon Sabha and Shri Anshul Kumar Singhal, learned counsel appearing for respondent No. 9.
2. This petition in public interest, has been filed by the petitioner seeking action against respondent Nos. 7 and 9 pursuant to the report dated 21.06.2024 given by District Panchayat Raj Officer, Prayagraj (D.P.R.O.).
3. It is stated in the writ petition that respondent No. 9, being village Pradhan, abused her position and in the development work expected to be lawfully undertaken by her, she committed embezzlement and misappropriation of funds and even the wages payable to the labourers were got transferred in the bank account of her son Vipin Singh.
4. When the matter came up before the Court on 21.11.2024, looking at the nature of allegations levelled in the writ petition and the material annexed thereto, time was granted to learned Additional Chief Standing Counsel to obtain instructions in respect of action taken in pursuance of recommendation made by D.P.R.O., inasmuch as the D.P.R.O. had pointed out eight discrepancies and he came to the conclusion that an FIR be lodged against respondents No. 7 and 9 for defalcating the amount of Gram Panchayat.

5. Pursuant to the said order, instructions were produced by Standing Counsel along with another report dated 12.08.2024 given by D.P.R.O. *inter-alia* showing that a fresh inquiry was conducted by him on the eight points indicated in the earlier report dated 21.06.2024 and everything was found in order and, therefore, there was no necessity to lodge F.I.R.

6. Based upon the stand taken in the instructions, the Court passed an order dated 04.02.2025 observing that in the inspection report, specific indication was made pertaining to various points on which the inspection was conducted and also that a sum of Rs.11,83,000/- was transferred to the bank account of Vipin Singh, son of respondent No. 9, which amount pertained to the wages payable to those working under various schemes. The Court also noticed as to why the amount was deposited in bank account of respondent no. 9's son, no clarification was available and while the inspection report dated 07.05.2024 was very specific with clear findings containing pictures, another report along with pictures was produced seeking to discard the earlier report. The Court found the subsequent report, a 'made up document' and post rectification of the defects pointed out in the earlier report.

7. After noticing the aforesaid facts, the Court directed the District Magistrate to institute a fresh enquiry in relation to the inspection report dated 07.05.2024 and the indications made in communication dated 21.06.2024 by an officer not below the rank of Sub Divisional Officer, who was required to produce the report before the Court on the next date.

8. Pursuant to the said order, learned Standing Counsel on 18.04.2025 produced a report dated 17.04.2025 given by Sub-Divisional Magistrate, Handia, Prayagraj, *inter alia*, finding the wrong doings on the part of the Gram Pradhan and the Gram Vikas Adhikari. The Court granted time to the learned Standing Counsel to obtain instructions from the District Magistrate as to what action was proposed on the inquiry conducted by Sub-Divisional Magistrate.

9. Pursuant to the said order, instructions were produced by the Standing Counsel on 14.05.2026 *inter-alia* indicating that on holding of fresh inquiry on certain charges, the respondent no. 9 and the then Secretary,

Gram Panchayat were found guilty and show cause notices dated 14.05.2025 were issued to them. Thereafter, the matter was taken up on 26.08.2025, on which date, further instructions were produced by the Standing Counsel, *inter alia*, indicating that disciplinary action had been initiated against Smt. Sugandha Shukla, Gram Vikas Adhikari and Ms. Neha Kamle, Gam Vikas Adhikari (Women) and the matter has been forwarded to the competent authority for disciplinary action against Mr. Sudama Ram Gawde, the then Secretary and so far as the Gram Pradhan was concerned, her financial powers were seized till disposal of action under Section 95(1)(g) of the U.P. Panchayat Raj Act, 1947.

10. The matter was, thereafter, taken up on 03.11.2025, on which date following order was passed:

“1. On 26.08.2025, instructions were produced regarding the action initiated against the Gram Vikas Adhikari, Secretary and Gram Padhan on finding them guilty.

2. Time was granted to obtain instructions pertaining to the status of the action initiated.

3. Learned counsel appearing for respondent no. 9-Gram Pardhan indicated that the order passed under the provisions of Section 95 of the U.P. Panchayat Raj Act, has been quashed by learned Single Judge in Writ-C No. 25303 of 2025 by order dated 01.08.2025.

4. The instructions produced dated 27.10.2025 indicates that the disciplinary proceedings against the officers are pending and that the order passed against Gram Pradhan dated 22.07.2025 has been stayed. Along with the instructions, copy of the order dated 01.08.2025 has been produced.

5. From the instructions produced, it is apparent that the respondents including the District Magistrate, have not even read the order dated 01.08.2025, wherein the order dated 22.07.2025 has not been stayed but quashed. It appears that the said misreading is not without reasons as in the order dated 01.08.2025, the learned Single Judge has made it clear that the order will not restrain the respondent no. 2 to pass a fresh order and apparently on account of reluctance to take any action against Gram Pradhan, the order has been read as a stay of the order dated 22.07.2025. The said action/attempt on part of respondent no. 2-District Magistrate cannot be countenanced.

6. Learned Standing Counsel prays for time to obtain instructions.

7. Instead of obtaining instructions, learned Standing Counsel must

advise the District Magistrate to act in accordance with law and after reading the orders passed by the Court appropriately and not rely on clerks of the office. The said observations have been made in view of the fact that though the instructions are stated to be sent by the District Magistrate, the same are signed by the District Panchayat Raj Officer, Prayagraj and copy has been marked to the District Magistrate himself.

8. Needful may be done before the next date.

9. List the petition on 07.01.2026 as fresh.”

11. Thereafter, when no further instructions were provided, the Court, on 07.01.2026, observed as under:

“3. The order was passed on 03.11.2025 and two months have passed since passing of the order and the respondents, apparently, have not cared to instruct the Standing Counsel on the subject matter.

4. List the petition on 05.02.2026, as fresh.

5. On that date, either the instructions would be provided to the Standing Counsel or the District Magistrate, Prayagraj shall remain personally present before this Court.

6. Learned Standing Counsel to communicate this order to the District Magistrate, Prayagraj.”

12. The matter was, thereafter, taken up on 09.07.2026, on which date, learned counsel for respondent No. 9 made submissions that an order had been passed under Section 95(1)(g) of the Act, however, the same was set aside on 01.08.2025 in Writ – C No. 25303 of 2025 leaving it open for the District Magistrate to pass a fresh order. The Court, after noticing the said fact, passed following order on 09.07.2026:

“1. This petition has been filed by the petitioner seeking direction for action against respondents No.7 and 9.

2. During the course of proceedings, it was revealed that order was passed under Section 95(1)(g) of the U.P. Panchayat Raj Act, 1947 against respondent No.9, however, the said order was set aside on 01.08.2025 in Writ-C No.25303 of 2025, however, it was left open for respondent No.2 in the said writ petition to pass a fresh order.

3. Instructions dated 27.04.2026 have been produced, inter alia, indicating that a fresh inquiry was conducted against respondent

No.9 and others wherein charges of wrong doing have been established against them and they have been issued show cause notice on 27.04.2026 i.e. the date of producing instructions.

4. As the instructions produced are of 27.04.2026, learned Standing Counsel prays for time to obtain fresh instructions as to the outcome of the show cause notices dated 27.04.2026 issued to respondent No.9 and others.

5. Detach the present petition from WPIL No.762 of 2026.

6. List on 14.08.2026, as fresh.”

13. Today, i.e. on 14.08.2026, learned Standing Counsel has produced instructions dated 10.08.2026 furnished by District Magistrate, Prayagraj annexing therewith a copy of order dated 08.07.2026, whereby financial and administrative powers of the Pradhan (respondent No. 9) were seized and Administrator was appointed in view of the Government Order dated 29.05.2026.

14. Learned counsel for respondent No. 9 produced before us a copy of order dated 23.07.2026 passed in Writ – C No. 28087 of 2026. The said writ petition was filed challenging the order dated 08.07.2026 whereby financial and administrative powers of the respondent No. 9 were seized.

15. Learned counsel for the petitioner has made submissions that no action has been taken against respondent No. 9 and even amount defalcated by her in collusion with her son has not been yet recovered from her.

16. Learned Standing Counsel has made submissions that inquiry pursuant to order dated 08.07.2026 is pending, which shall be taken to its logical end.

17. Learned counsel for respondent No. 9 has made submissions that order under Section 95(1)(g) has already been held to be ‘of no legal consequence’ in order dated 23.07.2026 passed in Writ – C No. 28087 of 2026 and respondent No. 9 has been permitted to raise all objections in the inquiry and, therefore, no further order is required to be passed.

18. We have considered the submissions made and have perused the material available on record.

19. Sequence of events right from institution of the present writ petition till today have been elaborately described herein-before. The same reflect a serious matter wherein the respondent No. 9 has been found guilty, which aspect resulted into cessation of her administrative and financial powers under Section 95(1)(g) of the Act second time, after previous order was set aside.

20. As to what is the effect of the order passed qua order dated 08.07.2026, it would be appropriate to reproduce the part of order dated 23.07.2026 passed in Writ – C No. 28087 of 2026 filed by Respondent No. 9. The same reads as under:

**“2. Admittedly, present tenure of petitioner as Pradhan has already come to an end, therefore, effect of impugned order, whereby petitioner's financial and administrative powers were seized has now no legal consequence.**

3. The Court also takes note that presently, there are Government Orders dated 25.05.2026 and 29.05.2026 in operation whereby outgoing Pradhans are required to do only administrative work till fresh elections are conducted, which governs status of present petitioner also, subject to any other legal impediment.

**4. Accordingly, the writ petition is disposed of with an observation that so far as inquiry initiated under Section 95 (1) (g) of U.P. Panchayati Raj Act, 1947 is concerned, the petitioner would be at liberty to raise all legally permissible submissions on law as well as on facts also including objections, if any, that whether in given set of circumstances, inquiry initiated could proceed further or not.**

21. The aforesaid order also forms part of instructions furnished by the District Magistrate through learned Standing Counsel and on perusal of the same, we find that though the Writ Court has taken note of pending inquiry under Section 95(1)(g) of the Act and has granted liberty to the petitioner to raise all legally permissible submissions on law as well as on facts also including the objections, if any, as to whether in given set of circumstances, inquiry initiated could proceed further or not, at the same time in second paragraph of the order, it has been observed that the present tenure of respondent No. 9 as Pradhan has already come to an end, **therefore, effect of impugned order dated 08.07.2026, whereby her financial and administrative powers were ceased has now no legal consequence.**

22. Though, we are not hearing an appeal against the order dated 23.07.2026 passed in Writ – C No. 28087 of 2026, the fact remains that proceedings initiated under Section 95(1)(g) of the Act are very much in force and consequences of order of removal, if passed, can be seen from the provisions of the Act itself. The Court deems it appropriate to refer to Sub-Section (2) of Section 95 of the Act, which reads as under:

**(2) “A person removed under sub-clauses (iii) and (iv) Clause (g) of sub-section (1) of this Section shall not be entitled to be re-elected or re-appointed to any office under this Act for a period of five years or such lesser period as the State Government may order in any case.”**

23. A perusal of sub-section (2) indicates that if a person is removed under preceding provision, he/she shall not be entitled to be re-elected or re-appointed to any office under the Act for a period of five years or such lesser period as the State Government may order in any case.

24. There are further penal provisions in the Act and it would be appropriate to refer to relevant extract of Section 27 of the Act, which reads as under:

**“27. Surcharge.- (1) Every Pradhan of a Gram Panchayat every member of a Gram Panchayat or of a Joint Committee or any other committee constituted under this Act and shall be liable to surcharge for the loss, waste or misapplication of money or property belonging to the Gram Panchayat, if such loss, waste or misapplication is direct consequence of his neglect or misconduct while he was such Pradhan or Member:**

Provided that such liability shall cease to exist after the expiration of ten years from the occurrence of such loss, waste or misapplication, or five years from the date on which the person liable ceases to hold his office, whichever is later.

**(2) The prescribed authority shall fix the amount of the surcharge according to the procedure that may be prescribed and shall certify the amount to the collector who shall, on being satisfied that the amount is due, realise it as if it were an arrear of land revenue.”**

(3) .....

(4) .....

25. Apparently, Section 27 imposes a financial liability upon the erstwhile

Pradhan also and the mere fact that a person does not remain a Pradhan, for any reason including appointment of Administrator by the State Government, would not vanish/eliminate his/her liability arising out of acts done by him/her during his/her tenure and proceedings under Section 95(1)(g) of the Act would not be given a go-by nor the same can be ignored.

26. In view of above referred statutory provisions, we are of the considered opinion that the observations made in second paragraph of the order dated 23.07.2026 passed in Writ – C No. 28087 of 2026 shall not come in the way of the respondents in taking the proceedings in furtherance of order dated 08.07.2026 to their logical end and the liberty granted in the said order to respondent No. 9 to raise objections in the pending inquiry, would have to be seen in light of above referred statutory provisions and not in isolation.

27. Further, the order dated 08.07.2026 passed under Section 95(1)(g) of the Act is qua the person and only because due to end of tenure, on account of Government Orders, the Pradhan has been ordered to act as Administrator, the Respondent No. 9 cannot exercise financial & administrative powers, during the pendency of the enquiry.

28. In view of the above facts and circumstances, considering the scope of present writ petition and the developments, which have taken place during the pendency of the petition, as described herein-before, we **dispose of** the present writ petition with the direction to the respondents to conclude the pending inquiry against respondent No. 9 in furtherance of order dated 08.07.2026 in accordance with law within a period of four months from today.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

**August 14, 2026**

Sazia