



2026:AHC:20677

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19284 of 2025 (Leading)

Smt. Nirmala Devi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Asha Parihar, Geeta Parihar, Pratik Chandra

Counsel for Respondent(s) : C.S.C.

with

WRIT - A No. - 71182 of 2013 (Connected)

Om Prakash

.....Petitioner(s)

Versus

State Of U.P.Thru.Secy.And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Asha Parihar, Geeta Parihar, Pradeep Chandra, Pratik Chandra

Counsel for Respondent(s) : C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Pradeep Chandra, learned Senior Counsel assisted by Sri Prateek Chandra, learned counsel for the writ petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State.

2. A joint statement has been made by learned counsel for the parties that they do not propose to file any further affidavit and the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh/admission stage.

3. The original writ petitioner, Om Prakash son of Late Mathura Prasad was appointed on the post of Gram Panchayat Adhikari on 12.07.1991. He was accorded permanency in the year 1995. As per the original writ

petitioner, there happened to be an election in the year 2010, one Ansar Ahmad was elected for the post of Gram Pradhan against Smt. Praveen Begum who had defeated by a big margin and she bore animosity. A complaint was lodged thereafter Krishi Rakshak Adhikari was appointed as the Inquiry Officer who conducted an ex parte inquiry against Praveen Begum on 14.07.2012 without issuing any notice to her. That on the basis of the inquiry report dated 14.07.2012, the District Magistrate issued a notice dated 14.09.2012 to Smt. Praveen Begum in order to give an opportunity to file objections. Thereafter, on 17.04.2013, the District Magistrate, Pilibhit issued an order appointing a Technical Committee comprising of three members. Zile Alapsankhyak Kalyan Adhikari, Pilibhit, Assistant Engineer, Zila Panchayat, Pilibhit and Junior Engineer, Zila Gram Vikash Adhikaran, Pilibhit. Thereafter, the District Panchayat Raj Officer, Pilibhit issued an order dated 10.05.2013 addressed to the Block Development Officer stating therein to cease the financial and administrative powers of Praveen Begum as Gram Pradhan. The same was subject matter of challenge at the instance of Praveen Begum while filing Writ Petition No. 33263 of 2013 which came to be allowed on 03.07.2013. Post passing of the order dated 03.07.2013, a letter dated 04.07.2013 was sent by the Executive Engineer Sarda Sagar Fund, Pilibhit addressed to the District Magistrate, Pilibhit stating that due to flood, the work near the rival could not be completed. Thereafter, District Magistrate issued a show cause notice dated 05.08.2013 addressed to the Praveen Begum and by virtue of the order dated 02.09.2013 passed by District Magistrate, Pilibhit, the financial and administrative powers of Smt. Praveen Begum ceased and in the said order, a direction was also issued for recovery of an amount of Rs. 4,37,900/- from the writ petitioner who happened to be Village Development Officer.

4. Questioning the said order, the original writ petitioner namely Om Prakash (since deceased) preferred the leading writ petition.

5. In the leading writ petition, an interim order was granted by this Court on 10.01.2014 which is quoted hereinunder.-

"Heard Shri Pratik Chandra, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition the petitioner has challenged the order dated 2.9.2013 by which order upon certain allegations with regard to construction of bridge without following the norms certain loss that occurred to the State has been sought to be recovered equally from the Gram Pradhan and the petitioner.

Learned counsel for the petitioner submits that without affording any opportunity such an order of recovery has been passed. Learned counsel for the petitioner further submits that initially on this very allegation the financial power of the Gram Pradhan were ceased and, therefore, the Gram Pradhan approached this Court by filing a writ petition being Writ Petition No. 33263 of 2013 and the order, seizing the financial power, was quashed by this Court by order dated 3.7.2013 and direction was issued to restore the financial power of the Gram Pradhan.

The petitioner is Gram Panchayat Adhikari. The Gram Pradhan challenged the order dated 2.9.2012 by filing Writ Petition No. 56875 of 2013 and this Court by order dated 11.10.2013 stayed the recovery of half of the amount which was directed to be deposited by the petitioner and the other half by the Gram Pradhan.

The crux of the argument of the learned counsel for the petitioner is that without affording any opportunity such an order of recovery cannot be passed.

Considering the facts and circumstances of the case, let a counter affidavit be filed, for which learned Standing Counsel prays for and is allowed four weeks time. Two weeks thereafter is allowed for filing rejoinder affidavit.

List thereafter.

In the meantime the recovery of a sum of Rs. 4,37,990/- pursuant to order dated 2.9.2012, if not already recovered, shall remain stayed."

6. However, on 19.01.2025, the original writ petitioner, Om Prakash expired. A substitution application came to be preferred which was allowed by substituting the widow namely, Nirmala Devi as the legal heir. Since the post retiral benefits were not being accorded to Nirmala Devi, the legal heir of the deceased Om Prakash and in turn on 08.10.2025, the District Panchayat Raj Officer, District Pilibhit proceeded to pass an order

for non finalization of the post retiral benefits on account of the fact that already against the recovery order dated 02.09.2013, leading writ petition is pending so the writ petitioner namely Nirmala Devi, the wife of the deceased preferred the connected writ petition.

7. Questioning the order dated 08.10.2025 of the District Panchayat Raj Officer, District Pilibhit, connected writ petition was preferred. Both the writ petitions were tagged together and they are before this Court.

8. An order came to be passed on 20.01.2026 in the connected writ petition for producing the record, which has been produced by Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel. The Court has perused the record in entirety.

9. Learned Senior Counsel for the writ petitioner has sought to argue that first of all, the order dated 02.09.2013 passed by District Magistrate, Pilibhit in the leading writ petition cannot be sustained particularly when the entire order dated 02.09.2013 is relatable to Praveen Begum and in the last line of the order in question, the name of the writ petitioner has been injected just for making of recovery. Submission is that during the lifetime of the husband of the writ petitioner being the original writ petitioner, he was at no point of time served any notice, however, with a single stroke of pen joint liability of the writ petitioner has been fastened. Submission is that the order impugned cannot be sustained particularly when the order dated 02.09.2013 does not in any manner whatsoever just for name sake alleges illegality against the writ petitioner. He submits that merely because, the writ petitioner is a Village Development Officer, the same cannot by itself be said to be an act of misconduct.

10. As regards, the connected writ petition, it has been submitted that that once the original writ petitioner expired on 19.01.2025 then now post retiral benefits are to be accorded to the writ petitioner and this Court may not direct for conduction of a fresh inquiry post issuance of the show cause notice.

11. Sri P.K. Srivastava, learned Additional Chief Standing Counsel has

submitted that though the order dated 02.09.2013 came to be passed by the District Magistrate, Pilibhit whereby recovery was sought to be made by the writ petitioner but according to him as per the records, the original writ petitioner was not put to notice and post his death now the widow is entitled to the benefits.

12. I have heard the submission so made across the bar and perused the record.

13. Facts are not in issue. It is not in dispute that the original writ petitioner was a Village Development Officer. An order dated 02.09.2013 came to be passed by the District Magistrate, Pilibhit for recovering certain amount from the original writ petitioner. The order dated 02.09.2013 at no point of time alleges any misconduct by the writ petitioner, though the name of the original writ petitioner finds place without there being any rule played by him. It is also not in dispute that the original writ petitioner died on 19.01.2025. Thus, now it would be too late of the day to direct for giving liberty to the respondents to conduct inquiry in that manner. Since the original writ petitioner has expired on 19.01.2025 and the order dated 02.09.2013 of the District Magistrate, Pilibhit is an ex parte order and nothing is forthcoming from the said order that the writ petitioner had intentionally duped the State Exchequer and further the writ petitioner in the connected writ petition is the widow, she is entitled the post retiral benefits.

14. Accordingly, the writ petitions are being decided in the following terms.-

(a) order dated 02.09.2013 passed by District Magistrate, Pilibhit insofar as it pertains to the writ petitioner for recovering an amount of Rs. 4,37,900/- is set aside; (b) order dated 08.10.2025 passed by District Panchayat Raj Officer, District Pilibhit seeking to denude Smt. Nirmala Devi with regard to the payment of post retiral benefits is set aside; (c) a writ of mandamus is issued to the District Panchayat Raj Officer, Pilibhit to disburse the post retiral benefits of the original writ petitioner, Om Prakash to the legal legal heirs within a period of two months from the

date of production of certified copy of the order bearing in mind the fact that the order dated 02.09.2013 seeking to recover the amount of Rs. 4,37,900/- has been set aside.

15. With the said observations, the writ petitions stand disposed of.

16. The records produced by Sri P.K. Srivastava is returned back.

(Vikas Budhwar,J.)

January 29, 2026

Rajesh