



2026:AHC:40216

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 1733 of 2026

Lakhan Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Brajesh Nath Rai, Rajeev Upadhyay,
Sr. Advocate
Counsel for Respondent(s) : C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rahul Mishra, learned Senior Advocate assisted by Shri Brijesh Nath Rai, learned counsel for the writ petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State.
2. This Court entertained the writ petition on 06.02.2026 and sought instructions. Instructions have been produced, which are available on record.
3. Sri Pramod Kumar Srivastava, learned Addl. Chief Standing Counsel has made a statement at Bar that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.
4. With the consent of the parties, the writ petition is being decided at the fresh stage.
5. The case of the petitioner is that he superannuated as Gram Panchayat Adhikari, Block Development Office, Charkhari, Mahoba on 31.12.2023. As per the writ petitioner, owing to allegations sought to be leveled against the writ petitioner for his working as Gram Vikas Adhikari, a show cause notice was issued on 20.05.2025 show causing the writ petitioner as to why appropriate action and recovery be made in view of the infirmities found in re-audit objections. The petitioner claims to have replied to the show cause notice dated 20.05.2025 on 09.06.2025. However, according to the writ petitioner, a stand should taken by the respondents that the writ petitioner had not replied to the show cause notice, thus another notice came to be issued on 09.10.2025, to which the petitioner tendered his reply on

15.11.2025 and thereafter, now, according to the writ petitioner on 09.12.2025, notice/order came to be passed by the District Panchayat Raj Officer, Mahoba, seeking to recover 50% of ₹7,91,060.00 to the tune of Rs.3,95,530/-.

6. Questioning the said order, present writ petition has been preferred.

7. This Court entertained the writ petition on 06.02.2026, wherein the following order was passed:

"1. Contention of the learned counsel for the writ petitioner is that he is a retired Gram Panchayat Adhikari who stood retired on 31.12.2023, however, for the allegations referable to the Year 2011-12, to 2018-19, a show cause notice came to be issued for recovery on 20.05.2025, which came to be replied on 09.06.2025 and without considering the reply so submitted by the writ petitioner, the order impugned has been passed.

2. Put up this case on 09.02.2026, as fresh, by which time Sri Manish Kumar, learned Standing Counsel to obtain instructions."

8. Learned Senior Counsel appearing for the writ petitioner sought to argue that first of all, the recovery so sought to be made against the writ petitioner is time-barred beyond the statutory period as provided under Rule 256 and 257 of the U.P. Panchayat Raj Rules, 1957. Further submission is that though the writ petitioner was issued a show cause notice on 20.05.2025 to which the writ petitioner tendered his reply on 09.06.2025 and thereafter according to the respondents, another notice came to be issued on 09.10.2025, to which the writ petitioner tendered his reply on 15.11.2025, but the reply so sought to be submitted by the writ petitioner to the notices has not been considered and by a single stroke of pen, the impugned order stands passed against the writ petitioner shouldering financial liability upon the writ petitioner.

9. Submission is that there is a prescribed procedure for taking action against the Gram Vikas Adhikari, however the same partakes the character of a show cause notice, and once it is the specific reply of the writ petitioner that he has tendered his reply, and in case according to the District Panchayat Raj Officer, the reply was not satisfactory and suitable, then too reasons have to be accorded while meeting out the contentions sought to be raised in reply to the show cause notice. According to the learned Senior Counsel, the said exercise is completely lacking, thus the impugned order be set aside.

10. Shri Pramod Kumar Shrivastav, on the basis of instructions produced before this Court, has submitted that the writ petitioner was issued a show cause notice on 20.05.2025, the petitioner did not submit any reply. Thereafter, on 09.10.2025, another show cause notice was issued, to which also the petitioner also did not give a suitable reply and ultimately, on 09.12.2025 again a show cause notice came to be issued and in absence of any reply to the show cause notice, the impugned order came to be passed.

11. I have heard the submissions so raised across the Bar and perused the record carefully.

12. Apparently, the writ petitioner happens to be a Gram Panchayat Adhikari, and he was issued a show cause notice on 20.05.2025 for the allegations regarding infirmities committed by him while being posted for the period from June 2011 to December 2011. The writ petitioner asserts that he has submitted his reply to the said notice on 09.06.2025 (Annexure-7 at page 44). According to the writ petitioner, again a show cause notice was issued on 09.10.2025 to which the writ petitioner tendered his reply on 15.11.2025 (at page 152 of the paper book). In the reply dated 15.11.2025, the writ petitioner had referred to the earlier reply submitted by the writ petitioner on 09.06.2025. The reply dated 15.11.2025 is quoted hereinunder:-

"महोदय,

कार्यालय जिला पंचायत राज अधिकारी, महोबा पत्रांक

1091/7-पं0/सांलि0/अधिकार/नोटिस/2025-26 दिनांक 09/10/2025 अधिभार/नोटिस/स्पष्टीकरण के सम्बंध में अवगत कराना है कि मैंने अपना स्पष्टीकरण दिनांक 09/06/2025 को रजिस्टर्ड डाक से आपकी सेवा में साक्ष्य सहित भेजा था और प्रतिलिपि श्रीमान् जिला लेखा परीक्षक अधिकारी, महोबा को भेजा था।

निर्धारित प्रारूप पर प्रतिवेदन स०वि० अधिकारी (पं०) कृत देने पर उन्होंने लेने से इन्कार करने पर वर्तमान प्रधान जी को दिया था जो उनके पास अभी भी जमा है।

मेरी सेवा निवृत्ति 31/12/2023 को हो गई थी मेरे पास अब कोई भी अभिलेख नहीं है मेरे द्वारा श्री अमित खरे ग्रा०वि० अधिकारी को जुलाई 2013 में समस्त अभिलेखों का चार्ज दे दिया गया था।

पुनः स्पष्टीकरण आपकी सेवा में प्रस्तुत है। पूर्व में दिए गये स्पष्टीकरण की 03 छाया प्रतियां संलग्न कर सेवा में प्रेषित है। कृपया स्वीकार करने का कष्ट करें।"

13. In the instructions dated 10.02.2026 of the District Panchayat Raj Officer, Mahoba, reference has been made in paragraph no.6, that the writ petitioner has submitted his reply to the notice on 15.11.2025, relevant extract whereof is quoted hereinunder:-

"6. याची श्री लाखन सिंह, तत्कालीन सचिव, ग्राम पंचायत-गोरखा द्वारा उपरोक्त पत्र के क्रम में आपत्ति के अनुसार निर्धारित प्रारूप पर अनुपालन आख्या साक्ष्यों सहित जिला लेखा

परीक्षा अधिकारी के समक्ष प्रस्तुत न कर अपने पत्र दिनांक- 15.11.2025 के साथ पत्र दिनांक-09.06.2025 की छायाप्रति जो पूर्व में इस कार्यालय में सहायक विकास अधिकारी (पं०) चरखारी के माध्यम से भेजी ही नहीं गयी को संलग्न कर ग्राम पंचायत-गोरखा के अभिलेख चार्ज में अन्य सचिव को दे दिये जाने का उल्लेख किया गया (पृष्ठ संख्या-16 से 18 तक)।"

14. A bare look of the instruction would reveal that in the instructions, this much has been admitted that the writ petitioner had tendered his reply on 15.11.2025 to show cause notice dated 09.10.2025. However, there is no recital in the order impugned dated 09.10.2025 of the District Panchayat Raj Officer regarding the reply submitted by the petitioner to the show cause notice dated 09.10.2025 on 15.11.2025.

15. Be that as it may, once contentions are raised which, according to the petitioner, are sufficient, but according to the authority issuing the show cause notice, they are not sufficient, then too reasons have to be recorded in coming to the conclusions as to how and in what circumstances, the contentions so set forth by the noticee is not sustainable. Since the order impugned itself totally ignores and overlooks the reply submitted by the petitioner. Thus, the order impugned cannot be sustained. Accordingly, the writ petition is being decided in the following term:

(a) The notice/order dated 09.12.2025 passed by the District Panchayat Raj Officer, Mahoba is set aside.

(b) Matter stands remitted back to the District Panchayat Raj Officer, Mahoba to pass a fresh order within a period of six weeks.

(c) The writ petitioner for early disposal shall file a certified copy of the order passed today before the District Panchayat Raj Officer, Mahoba by 13.03.2026.

(d) On the said motion, the authority shall proceed to decide the matter with most expedition.

16. Needless to point out that on violation of principles of natural justice, the order impugned has been set aside, thus the same may not be construed to be an expression on merits as the adjudicating authority shall pass an order strictly in accordance with law.

17. With the aforesaid observations, the writ petition stands **disposed of**.

February 23, 2026

N.S.Rathour

(Vikas Budhwar,J.)