



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 3901 of 2026

Manish Kumar Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nisheeth Yadav
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Nisheeth Yadav, learned counsel for the petitioner, learned Standing Counsel for the respondent nos. 1 to 3 and Sri Pradeep Singh, learned counsel for the respondent no. 4.

2. The present petition has been filed challenging the order of the District Magistrate, Bhadohi, dated 10.12.2025, ceasing the financial and administrative powers of the petitioner as Gram Pradhan of Gram Panchayat Ghaskari, Block Development Bhadohi, District Bhadohi, pending formal enquiry, in exercise of power under Section 95(1)(g) of the U.P. Panchayat Raj Act, 1947.

3. It is contended by the learned counsel for the petitioner that the show cause notice issued to the petitioner did not refer to materials on record on the basis of which the charges were framed, nor the materials relied supplied to the petitioners as held by the Full Bench of this Court in Writ - C No. - 905 of 2025 (Brij Mohan Vs. State Of U.P. Thru. Prin. Secy. Panchayati Raj Lko. And 2 Others). Relevant paragraphs 48 & 49 are reproduced as under:-

"(48) In view of the aforesaid discussion and the decision of Hon'ble the Supreme Court in Natwar Singh (supra) as also in T. Takano (supra) and also considering the fact that cessation of financial and administrative powers of an elected office holder has serious consequences and may in a given case result in irreparable loss if ultimately he is exonerated in the final inquiry, an aspect which has been emphasized by Hon'ble the Supreme Court in the case of Ravi Yashwant Bhoir (supra) and the five

Judges decision in Paras Jain (supra) as also the Full Bench decision in Vivekanand Yadav (supra) and Hafiz Attaullah Ansari (supra) and also as such elected office bearer is not to be associated in the preliminary inquiry which means that the preliminary inquiry report, which could be the basis for issuance of a show cause notice under the proviso to Section 95(1)(g), would be prepared behind his back, then, an important question arises as to why, instead of furnishing the said material which is the basis for a proposed adverse action having serious civil consequences against him, the show cause notice is required only to indicate the charges/ material/evidence against him as per the Full Bench in Vivekanand Yadav (supra) read with the decision in Hafiz Attaullah Ansari (supra)? In view of the judgment in Natwar Singh (supra) such material needs to be given to the elected office holder.

(49) Mere giving of the preliminary inquiry report need not necessarily lead to a situation where even at the interim stage, a final inquiry would be held, as for that a detailed procedure is separately provided in Rule 6 of the Rules, 1997 which is not attracted at this stage. The evidence which is mentioned in the preliminary inquiry report need not be furnished at that stage but the preliminary inquiry report or in its absence the material which is the basis for the show cause, prima facie, is required to be furnished in view of Natwar Singh (supra) and, not doing so, would not be in keeping with the principles of natural justice which are applicable even at the interim stage, especially considering the fact that it is not only a case of initiation of inquiry for removal but a case where administrative and financial power of an elected office holder could be seized. The ratio of Full Bench decision in Vivekanand Yadav (supra) and Hafiz Attaullah Ansari (supra) on the questions involved herein appear to be in conflict with the decision of Hon'ble the Supreme Court in the case of Natwar Singh (supra) and T. Takano (supra) on the question of extent of application of principle of natural justice."

4. It is contended by the learned counsel for the petitioner that the prima facie satisfaction recorded by the District Magistrate to the charges levelled against the petitioner do not show any financial and other irregularities as envisaged in Clauses (i) to (v) of Section 95(1)(g) of the Act.

5. It is contended by the learned counsel for the petitioner that in respect of Charge No. 1, the payment to the labourers were established by evidence on record, but while recording his prima facie satisfaction, the

District Magistrate has observed that the payment made to Vipin Kumar, Satish Kumar, Brijesh Kumar and Akhilesh Kumar for repairing of hand-pump have been made as skilled labourer and unskilled labourer which is not justified, is erroneous and incomprehensible.

6. In respect of Charge No. 2, relating to MGNREGA work, the allegation that payments were made in contravention of the Government Order, dated 26.04.2022, is not made out in view of the fact that admittedly the communication of the Government Order, dated 26.04.2022, had been served by the order of the District Magistrate, dated 10.06.2022, prior to which, all works had been allotted and payments were made.

7. In respect of Charge No. 3, relating to payment of labour works for maintenance of soak-pit and repair work of hand pump some discrepancy has been found in preparation of estimate chart which does not involve any financial irregularity or charge of embezzlement on the petitioner.

8. In view of the aforesaid, the ceasing of financial and administrative powers of the petitioner, pending formal enquiry was misplaced. The matter requires consideration.

9. All the respondents are granted four weeks' time to file counter affidavit. Rejoinder, if any, may be filed within two weeks, thereafter.

10. List thereafter.

11. Till the next date of listing, the effect and operation of the order of the District Magistrate, dated 10.12.2025, so far as it ceases financial and administrative powers of the petitioner, pending formal enquiry, shall be kept in abeyance. However, the formal enquiry shall go on and shall be completed within a period of one month, from the date of production of a certified copy of this order.

(Arun Kumar,J.)

February 10, 2026

Ranjeet Sahu