



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 5146 of 2026**

Smt. Prema Devi

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Ajay Kumar Yadav, Nisheeth Yadav  
Counsel for Respondent(s) : Azad Rai, C.S.C.

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**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 4 and Sri Azad Rai, learned counsel for the respondent no. 5.

2. The present petition has been filed challenging the order of the respondent no. 2, dated 13.01.2026, ceasing the financial and administrative power of the petitioner, as Gram Pradhan of Gram Panchayat Khanpur Dandi, Development Block Pratappur, District Prayagraj, in exercise of his 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 the materials on which basis the charge was framed. Neither the enquiry report was accompanied with the show cause notice, nor the materials relied upon, had been supplied to the petitioner. It is further contended that the charges referred to in the show cause notice stated that the development work carried out in the gram panchayat is being supervised by the son of the Gram Pradhan and there are complaints regarding non-payment of wages to the labourers. The finding of the enquiry report mentioned in the show cause notice shows only the place where the work has been carried out with certain amount for which the Prahdan and Panchayat Secretary have been prima facie found to be guilty. There is no other material to show as to the amount mentioned in the show cause notice relates to which period, nor there is any averment regarding the complaints made by the labourers,

who have not received their emoluments. In support of his contention, the learned counsel for the petitioner has relied upon a Full Bench Judgment 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 further contended by the learned counsel for the petitioner that despite the fact that there was no material before the petitioner to submit his explanation, even then a reply on 17.12.2025, has been submitted, which clearly explained the situation under which cash payments were made to the labourers, which were subsequently being paid in their own accounts. It has also been stated in the explanation of the petitioner that the amount transferred in the account of her son was only for the purpose of distribution of the daily wages of the labourers in cash. However, the aforesaid explanation of the petitioner has not been considered by the District Magistrate while recording his prima facie satisfaction to the charges levelled against her. It is further contended that the solitary charge in the show cause notice does not contain any allegation of financial irregularity causing loss to the gaon sabha fund, therefore, harsh action of ceasing financial and administrative power of the petitioner was unjustified.

5. A perusal of the order of the District Magistrate, dated 13.01.2026, does not refer to the charges levelled against the petitioner, nor considers the explanation of the petitioner for recording the prima facie satisfaction to the existence of the said charge. The District Magistrate has only observed that pursuant to the show cause notice the reply/explanation submitted is acceptable, therefore, the charges are proved. Therefore, the financial and administrative power of the petitioner is liable to be ceased.

6. The aforesaid observation of the District Magistrate in his order dated 13.01.2026 is incomprehensible and shows non-application of mind.

7. Matter requires consideration.

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

9. List immediately thereafter.

10. Till the next date of listing, the effect and operation of the order of the

District Magistrate, dated 13.01.2026, so far as it ceases the financial and administrative power 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 presentation of a certified copy of this order.

**(Arun Kumar,J.)**

**February 17, 2026**

Ranjeet Sahu