
(1996) 09 AHC CK 0149
In the Allahabad High Court
Case No : C.M.W.P. No. 9760 of 1996

Shambhu Nath Yadav

APPELLANT

Vs

Block Development Officer and Others

RESPONDENT

Date of Decision : 12-09-1996

Acts Referred:

Citation : (1997) RD 64

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Rajeev Kumar Srivastava, for the Appellant; S.C. and Kamlesh Kumar, for the Respondent

Judgement

M. Katju, J.—Heard counsels for the parties.

2. This writ petition has been filed against the impugned order dated 2.3.96 Annexure-5 to the writ petition. The Petitioner was elected as Pradhan of a Gram Panchayat on 21.4.95. The Petitioner is aggrieved by an order dated 2.3.96 passed by the Block Development Officer, Pratappur, Allahabad, Annexure-5 to the writ petition. A perusal of the said order shows that there was a complaint that the Gram Pradhan and the Gram Panchayat Officer did not produce certain records and there was allegations of financial irregularities. There was also some complaints that the Petitioner who was employed by the Jal Nigam had not resigned from that post. The impugned order states that the Petitioner is not Justified to continue as Pradhan.

3. In my opinion, a Pradhan can be removed by the Sub-Divisional Officer u/s 95 (i)(g) since the power under that section has been delegated by the State Government to the Sub-Divisional Officer. Hence, the Sub-Divisional Officer and not the Block Development Officer can remove the Petitioner from the post of Pradhan. Hence, the impugned order cannot be interpreted to mean that it removes the Petitioner from the post of Pradhan. However, as regards the Jawahar Rozgar Yojana. the same has been quoted in the counter-affidavit and

clause 6 (2) thereof states that the Block Development Officer has been given the duty of looking after the work of the said scheme. Hence, if the Block Development Officer finds that the Petitioner is not properly dealing with the Jawahar Rozgar Yojana. he is certainly entitled to remove the Petitioner from the said scheme and the Petitioner can have no grievance in that respect. Hence, I direct while the Petitioner can continue to function as Pradhan but he will not deal with the Jawahar Rozgar Yojana or the funds thereof.

4. With these observations, the writ petition is disposed of finally.