

**Court No. - 6**

**Case :-** WRIT - C No. - 34147 of 2023

**Petitioner :-** Nageena Singh

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** J.P. Singh, Himanshu Singh

**Counsel for Respondent :-** C.S.C

**Hon'ble Mrs. Manju Rani Chauhan, J.**

Learned counsel for the petitioner submits that he has challenged the recovery order dated 13.09.2023 issued by learned District Magistrate, Azamgarh under section 27 of U.P. Panchayat Raj Act on the ground the inquiry was not conducted by Chief Audit Officer as required under law.

The aforesaid issue has been settled by Division Bench of this Court in the case of '**Dinesh Kumar and others vs. State of U.P. and others**' reported in **2023 (1) ADJ 81**.

Learned counsel for the petitioner as well as learned AGA does not dispute the aforesaid.

Thus, in view of the order passed in the case of **Dinesh Kumar** (supra), the impugned order dated 13.09.2023 passed by District Magistrate Azamgarh is set aside. It shall be open to the parties concerned to proceed in accordance with law after getting a proper inquiry conducted as required under the relevant provisions and also keeping in mind the observations made by the Court in the case of **Dinesh Kumar** (supra).

This Court has noticed that time and again such petitions are being filed by the petitioners taking the ground that Chief Audit Officer has not conducted the inquiry. Therefore, the inquiry conducted is vitiated under law as well as the observations

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made in the case of **Dinesh Kumar** (supra). Such type of petitions are wasting precious time of the Courts.

Before parting with the matter, this Court tends to explicate the unwelcoming experience over the frivolous petitions as the roster of this Court is clogged owing to the ignorant attitudes being employed by responsible government functionaries in most of the matters, wherein the issue involved has already been dealt with extensively by the Court pronouncing its verdict. A care note, if exercised by the government authorities, would not only ease the unnecessary burden of frivolous litigation but will also keep the persons away from wasting their energy and money as well as Court's time on the issues, adjudicated earlier. Such act drains the funds of public exchequer that too of no significant avail.

This Court feels that adequate exercise for counseling of officers, who remain oblivion on the recent settled issues by the Courts, be expounded to them on regular intervals by issuing circulars for the purpose, with the assistance and guidance of panel State Law Officers who are paid hefty amount from the State Exchequer to render their services in order to protect the interest of State who is ultimately meant for public at large. It would certainly save the precious time of the Courts also.

In view of the above, the Secretary, Panchayat Raj, U.P., Lucknow is required to issue circular in this regard under the intimation to this Court. Immediately on receipt of the circular, Registrar General of this Court shall ensure that same be placed on record of this case.

With above observations and directions, the writ petition stands allowed.

No order as to costs.

Registrar (Compliance) shall place this order before the

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Registrar General of this Court, who shall communicate it to the Secretary, Panchayat Raj., U.P., Lucknow forthwith, and place the circular on record, as directed above.

Copy of this order be communicated to the learned Advocate General, U.P., also.

**Order Date :-** 12.10.2023

Madhurima