



2026:AHC:11878

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 453 of 2026

Mohammad Yamin

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Purushottam Mani Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Purushottam Mani Tripathi, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.
2. The case of the writ petitioner is that he was appointed on the post of Urdu Translator/Junior Clerk on 21.06.1995, he was accorded promotion on 21.06.2007 and the Pay Scale of Rs. 4000-100-600 was granted. However, without putting to notice the writ petitioner unilaterally on 23.08.2025 & 22.09.2025, an order came to be passed by Block Development Officer, Block Gonda, District Aligarh making recovery of an amount of Rs. 2,69,025/-.
3. Questioning the said order, the present writ petition has been preferred.
4. Learned counsel for the writ petitioner has submitted that the said order is in violation of principles of natural justice as no unilateral action can be taken.
5. Sri R.S. Umrao, learned Standing Counsel submits that it is always open for the employer to rectify the mistake, if any, however, there is a condition precedent that before undertaking an exercise opportunity of hearing is to be accorded while putting the other person to notice.
6. I have heard the submission so made across the bar and perused the record.
7. Apparently, certain benefits stood acceded to the writ petitioner which have been sought to be altered while passing an order. The allegation of the writ petitioner is that the same is in violation of the principles of natural justice. In **Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154** wherein the following was observed.-

"3. We have heard learned counsel for the parties. That the petitioner's basic pay had been fixed since 1970 at Rs. 190 p.m. is not disputed. There is also no dispute that the basic pay of the appellant was reduced to Rs. 181 p.m. from Rs. 190 pan. in 1991 retrospectively w.e.f. 18.12.1970. The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not, even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There, has, thus, been a flagrant violation of the principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the concerned to notice and giving him a hearing in the matter. Since, that was not done, the order (memorandum) dated 25.7.1991. which was impugned before the Tribunal could not certainly be sustained and the Central Administrative Tribunal fell in error in dismissing the petition of the appellant. The order of the Tribunal deserves to be set aside. We, accordingly, accept this appeal and set aside the order of the Central Administrative Tribunal dated 17.9.1993 as well as the order (memorandum) impugned before the Tribunal dated 25.7.1991 reducing the basic pay of the appellant From Rs. 190 to Rs. 181 w.e.f. 18.12.1970."

8. Since the writ petitioner has not been put to notice and the entire action has been taken unilaterally, thus, the order cannot be sustained.

9. Looking into the overall fact situation and the stand taken by the respective parties, this Court without delving any further is disposing of the writ petition in the following terms.-

(a) the order dated 23.08.2025 and 22.09.2025 passed by Block Development Officer, Block Gonda, District Aligarh, fourth respondent is set aside; (b) writ petitioner shall prefer a comprehensive representation along with the self attested copy of the present petition and certified copy of the order passed today by **12.02.2026**; (c) on the said motion, the fourth respondent, Block Development Officer, Block Gonda, District Aligarh shall fix a date for putting to notice the writ petitioner and hear him after due communication; (d) thereafter orders be passed within a period of two months.

10. With the above observation, the present petition stands **disposed of**.

January 19, 2026

Rajesh

(Vikas Budhwar,J.)