



2026:AHC:10504

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18474 of 2025

Manoj Chandra Vidyarthi

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dinesh Rai
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Shri Dinesh Rai, learned counsel for the writ petitioner as well as Shri Gaurav Singh, learned Standing Counsel for the State.
2. Statement has been made by Shri Gaurav Singh, learned Standing Counsel for the State that he does not propose to file with any affidavit and the writ petition be decided on the basis of documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that on 01.09.2001 and advertisement was published by U.P. Police Headquarter, Allahabad now Lucknow, he applied for the post of Sub-Inspector (Civil Police)/Platoon Commander PAC. The writ petitioner claims to have appeared pursuant to the said advertisement and post declaration of result, declaring him to be successful of completion and the training, he was accorded appointment in the year 2007. According to the writ petitioner, the writ petitioner is working on the post in question, however impugned order dated 26.8.2025 was passed by respondent no.6, Superintendent of Police (Regional) Intelligence, Gorakhpur, whereby there has been pay re-fixation of the pay to detriment of the writ petitioner.
5. Questioning the said order, the present writ petition has been preferred.
6. Learned counsel for the writ petitioner is sought to argue that the order is unsustainable as it violates principles of natural justice being unilateral and without notice or opportunity to the writ petitioner before passing the said

order. He further submits that recital contents in the order depicts that there happens to be a reference to a Writ Petition No. 59036 of 2011 and contempt proceedings pursuant whereof now the exercise has been undertaken for refixation. He further submits whatever might be the writ petitioner ought to have been put on notice, as it is not a case of fraud or concealment of representation.

7. Learned counsel for the writ petitioner has invited the attention of the Court towards page No.78 of the paper book, wherein an order in Writ-A No. 7113 of 2025 (Inspector Sher Bahadur and 2 others vs. State of U.P. Thru Prin. Secy. Home Deptt. Lko. And 2 others) decided on 10.07.2025, where a similar exercise was deprecated and the order was set aside and the matter was remitted back.

8. Learned Standing Counsel for the State submits that it is always open for the employer to rectify errors. However, according to him it is not forthcoming that order in question the writ petitioner was put on notice.

9. I have heard the submissions so made across the Bar and perused the record. Facts are not in issue. It is not in issue that the certain benefits stood extended to the writ petitioner, which is now being taken away by means of the impugned order. Interestingly, the order impugned does not disclose any opportunity of notice accorded to the writ petitioner. In ***Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154***, the Hon'ble Apex Court in paragraph 3 has observed as under:

"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."

10. Since the entire exercise unilaterally behind the back of the writ petitioner, as such, order impugned cannot be sustained. Accordingly, the writ petition stands **disposed off** and the impugned order dated 26.8.2025 passed by respondent No.6 is set aside. Matter stands remitted back to the authorities to pass a fresh order, strictly in accordance with law.

11. Shri Gaurav Singh, learned Standing Counsel for the State submits that a show cause notice will be issued by 12.12.2025 and orders will be passed within two months thereafter.

January 16, 2026
A. Prajapati

(Vikas Budhwar,J.)