



2026:AHC:15999

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 19759 of 2025**

Devendra Pratap Singh And 40 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Lavkush Singh, Saurabh Tripathi, Sr. Advocate
Counsel for Respondent(s)	: C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Prabhakar Awasthi, learned Senior Counsel assisted by Shri Lavkush Singh, learned counsel for the petitioners as well as Shri Gaurav Singh, learned Standing Counsel, who appears for State-respondents.
2. A statement has been made by Sri Prabhakar Awasthi, learned Senior Counsel for the writ petitioners in the writ petition that the writ petition be dismissed with respect to writ petitioner nos. 7, 19, 25, 31, 32, 35, 40 and 41 with liberty to file fresh on the ground of territorial jurisdiction with liberty to approach the Court having territorial jurisdiction over the matter. Liberty is accorded to the writ petitioner nos. 7, 19, 25, 31, 32, 35, 40 and 41 to approach the Court having territorial jurisdiction over the matter.
3. Instructions have been supplied by Shri Gaurav Singh, learned Standing Counsel, submits that they are well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petitions and they do not propose to file any affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petitions are being decided at the fresh stage.
4. The case of the writ petitioners is that they were initially appointed as Workshop Hand in the year 1996 on different dates and were promoted to the post of Assistant Operators on 13.06.2001 and Head Operators on 13.11.2014. Their pay fixation fixed on 23.11.2015 and consequential orders were passed on 18.11.2015, on 20.03.2018, the pay fixation was made by order dated 20.03.2018 in grade pay of 4600. However, an order came to be passed on 23.01.2023 and they were entitled to the benefits of ACP which

was subject matter of challenge in Writ-A No. 3103 of 2023 in which interim order was accorded. However, during the pendency of the said writ petition, now the notice has been issued on 16.11.2025 requiring the writ petitioner to show cause as to why the benefits which have been accorded to the writ petitioners be taken away, some of the writ petitioners tendered their reply on 30.11.2025, however, now by virtue of the order dated 19.11.2025 passed by the respondents now pay-fixation has been done and consequential recovery has been directed to be made.

5. Questioning the same, the writ petitioners has been filed the present writ petition.

6. Learned counsel for the writ petitioners has sought to argue that the impugned orders cannot be sustained even for a single moment, particularly, when the entire action is unilateral behind the back of the petitioners, without putting them to notice. He submits that the writ petitioners have not committed any fraud, misrepresentation, or concealment. Reliance has been placed upon the decision of the Hon'ble Supreme Court in ***Bhagwan Shukla vs. Union of India and others; (1994) 6 SCC 154.***

7. Learned Standing Counsel On the other hand submits that whatever might be, once an error has been committed then it is open for the employer to recover the same, however, according to the learned Standing Counsel, it is not forthcoming from the order impugned that whether the writ petitione was put to notice or not. He submits that the matter needs to be revisited. However, he submits that the summoning order be set aside and the matter be remitted back to authority to pass fresh orders.

8. I have heard learned counsel for the parties and gone through the records carefully.

9. Apparently, the bone of contention between the parties is whether the said order impugned is in violation of principles of natural justice or not.

10. It is also the case of the writ petitioners that they have not been put to notice, as the orders in question has been passed behind the back of the writ petitioners and it is not a case of fraud, concealment or misrepresentation.

11. In ***Bhagwan Shukla (supra)***, it has been 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."

12. Since the said exercise has not been undertaken, the order impugned cannot be sustained, thus, the writ petitions are being decided in the following manner:

(a) The impugned orders dated 19.11.2025 passed by the Assistant Radio Officer (Personnel), U.P. Police Radio Headquarter, Mahanagar, Lucknow, third respondent is set aside.

(b). The matter stands remitted back to pass fresh order strictly in accordance with law after putting notice to the writ petitioners.

13. The writ petitioners shall respond to the said notices by 13.02.2026, and the authority shall thereupon pass an order by 31.03.2026.

14. Till 31.03.2026, no coercive action shall be taken against the writ petitioners.

15. The benefit of the present order shall only be available in those contingencies wherein the writ petitioners stick to the timeline, and in case

of any default, the protection shall stand vacated without reference to the bench.

16. Accordingly, the writ petition stands **disposed of**.

January 22, 2026
A. Prajapati

(Vikas Budhwar,J.)