



2026:AHC:8033

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 242 of 2026

Sunil Kumar

.....Petitioner(s)

Versus

The State Of U.P. And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Irfan Ahmad Malik
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Irfan Ahmad Malik, learned counsel for the petitioner and Sri Vijay Lal, learned Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Sri Vijay Lal, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed as Assistant Sub Inspector Clerk and he superannuated on 05.10.2019. Post his retirement approximately after six years, pursuant to a direction of the Senior Superintendent of Police, Bareilly in the year 2025, a preliminary inquiry was conducted and report was submitted on 18.04.2025 by the Circle Officer, District Bareilly thereafter a show-cause notice was issued on May 13, 2025 as to why the recovery of Rs. 6,99,279/- be not paid. The writ petitioner tendered his reply to the said show cause notice and thereafter now the order impugned has been passed by the Senior Superintendent of Police, Bareilly on 16.07.2025 for recovery of Rs. 6,99,279/-.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that recovery is one of the punishments being minor in nature prescribed under Rule 4 of the Uttar

Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991. Submission is that post retirement, the said recovery could not have been made.

6. Learned Standing Counsel on the other hand submits that whatever might be the writ petitioner has committed misconduct then the amount can always be recovered and according to him, the source and the power for making recovery and the provisions have not been considered while passing the order impugned.

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

8. Apparently, the writ petitioner happened to be a retired Sub Inspector who was superannuated on 05.10.2019. A preliminary inquiry report was submitted on 18.04.2025, a show cause notice was issued on 13.05.2025 to which the writ petitioner tendered his reply and the order impugned has been passed.

9. A bare look of the impugned order would reveal that the said exercise has been undertaken post 6 years of the retirement of the writ petitioner. The impugned order itself is silent about the source and the power and the provisions pursuant whereto recovery can be made after retirement thus the order impugned cannot be sustained.

10. Accordingly, the writ petition is being decided in the following manner:

(a). The impugned order dated 16.07.2025 passed by the respondent no.2, Senior Superintendent of Police, Bareilly is set aside.

(b). The matter stands remitted back to pass fresh order strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order.

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

January 13, 2026
A. Prajapati

(Vikas Budhwar,J.)