



2026:AHC:9537

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 270 of 2026

Shesh Dutt Mishra

.....Petitioner(s)

Versus

The State of UP and 6 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Srivastava, Harshit Srivastava
Counsel for Respondent(s)	:	C.S.C.

And

WRIT - A No. - 273 of 2026 (Connected C1)

Hira Singh

.....Petitioner(s)

Versus

The State Of Up And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Srivastava, Harshit Srivastava
Counsel for Respondent(s)	:	C.S.C.

And

WRIT - A No. - 301 of 2026 (Connect C2)

Hira Singh

.....Petitioner(s)

Versus

The State Of Up And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Srivastava, Harshit Srivastava
Counsel for Respondent(s)	:	C.S.C.

And

WRIT - A No. - 304 of 2026 (Connect C3)

Hira Singh

.....Petitioner(s)

Versus

The State Of Up And 6 Others		Respondent(s)
Counsel for Petitioner(s)	: Anil Kumar Srivastava, Harshit Srivastava	
Counsel for Respondent(s)	: C.S.C.	
<u>Court No. - 33</u>		

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Harshit Srivastava, learned counsel for the writ petitioners in Leading, connected C1, connected C2, and connected C3 writ petitions and Sri Awadhesh Kumar Shukla as well as Brijesh Kumar Srivastava, learned Standing Counsel for the State.
2. A statement has been made by Sri Awadhesh Kumar Shukla, learned Standing Counsel that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The facts of the leading writ petition are that the writ petitioner herein is a Gram Panchayat Adhikari posted in Block Mithwal, District Siddharth Nagar. According to the writ petitioner as reflected in para-5 on the basis of an Audit Report, a notice came to be issued to the writ petitioner on 29.11.2025 regarding irregularities committed in the year 2018-19. After a lapse of six years, an order came to be passed by District Development Officer, Siddharth Nagar on 05.12.2025 seeking to recover an amount of Rs.10,00,525/- from the writ petitioner.
5. As regards the connected C1 petition, the writ petitioner herein is a Gram Vikas Adhikari posted in Block Mithwal District, Siddharth Nagar and on the basis of an Audit Report relating to the year 2017-18, a notice came to be issued on 29.11.2025 and the order impugned came to be passed on 05.12.2025 seeking to recover an amount of Rs.52,673/-.
6. With respect to the connected C2 petition, here also the writ petitioner is a Gram Vikas Adhikari posted in the same block and in relation to the Audit

Report submitted in the year 2017-18, a notice came to be issued, the writ petitioner tendered his reply on 29.11.2025 and the order impugned came to be passed on 05.12.2025 seeking to recover an amount of Rs.8,41,77/-.

7. Lastly, with respect to connected C3 petition, the writ petitioner herein is a Gram Vikas Adhikari posted in the same block. An Audit Report came to be submitted in the year 2017-18 and a show cause notice came to be issued to which the writ petitioner tendered his reply on 29.11.2025 and the order impugned came to be passed on 5.12.2025 seeking to recover an amount of Rs.058560/-.

8. Learned counsel for the writ petitioner has sought to argue that the orders impugned cannot be sustained, as the same are in violation of the principles of natural justice besides being the fact that the recovery is time barred also. Further submission is that though departmental inquiry under U.P. Government Servant (Discipline and Appeal) Rules, 1999 has not been conducted.

9. Learned Standing Counsel on the other hand submits that whatever might be, the order notices are not liable to be interfered, particularly when the writ petitioners had committed irregularity, pursuant where to loss was sustained by the State. However, he could not dispute the fact that in the order impugned, there is no recital as to when the writ petitioners were put to notice while show causing and consideration of their reply.

10. I have heard the submissions so made across the Bar and perused the records carefully.

11. Apparently, on the basis of the audit report, relatable to the year 2017-18 and 2018-19, notices have been issued, now the impugned order has been passed for recovery. There is no reference about issuance of the show cause notice, less to say about the consideration of reply of the writ petitioner. Once the order entailing civil consequences are being passed, then the same should be in accordance with law while issuing show cause notice and submission made by the affected parties in reply to the same. The said exercise is lacking. Accordingly, the writ petition is being decided in the following terms: -

(a) The order dated 05.12.2025 passed by the District Development Officer, Siddharth Nagar, Respondent No.4 are set aside in leading, connected C-1,

connected-C2 and connected-C3 writ petitions.

(b) Matter stands remitted back to the authority to pass fresh order.

12. At this stage, learned Standing Counsel submits that the notices shall be issued by 2nd week of February 2026. The writ petitioners shall tender their reply and order be passed within a period of three months thereafter.

13. With the aforesaid observations, all the writ petitions stand **disposed of**.

January 14, 2026

N.S.Rathour

(Vikas Budhwar,J.)