



2026:AHC:9792

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 286 of 2026

Meharban Ali And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Gulrez Khan, Pervez Husain Khan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Gulrez Khan, learned counsel for the petitioners as well as Sri Rahul Malviya, learned Standing Counsel for the State.

2. A statement has been made by learned Standing Counsel that the instructions are sufficient and he is in a position to argue the matter.

3. With the consent of learned counsel for the parties, the writ petition is being decide at fresh stage.

4. The case of the petitioners is that they were initially appointed on the post of Urdu Translator/Junior Clerk in the year 1995 and they retired on 31.10.2023 and 30.09.2025. According to the writ petitioners, upon upgradation of the post, the pay scale was enhanced from time to time and lastly ACP was granted to the petitioners on 19.07.2021 on the basis of recommendation/consideration by the screening committee in its meeting dated 12.07.2021. The writ petitioners on their retirement were getting the pay band Rs.9300-34800 Grade Pay-4600/-. However on 09.12.2025, an order came to be passed by respondent No.3 District Development Officer, Bulandshahr recalling the order dated 19.07.2021 on the ground that ACP was wrongly granted to the petitioners. The aforesaid exercise was conducted on the basis of a letter of Commissioner Gram Vikas, U.P., Lucknow dated 23.07.2025 and Office order dated 10.08.2022.

5. Learned counsel for the petitioners submits that the refixation of the pay scale as well as consequential recovery by way of impugned order dated 09.12.2025 of the respondent No.3 is violation of principles of natural justice and the same is unilateral. He submits that the writ petitioners have not been

accorded opportunity of hearing.

6. Learned counsel for the petitioners has submitted that the impugned order cannot be sustained for the simple reason that it is not a case of fraud or concealment, and further, the entire action is unilateral and behind the back of the petitioners. Reliance has been placed by learned counsel for the petitioners upon the judgment of the Apex Court in the case of **State of Punjab vs. Rafiq Masih (Whiter Washer) 2015 AIR (SC) 1267** and **Thomas Daniel Vs. State of Kerala and others, (2022) LiveLaw (SC) 438**. Further reliance has been placed upon the judgment in **Bhagwan Shukla vs. Union of India and other; (1994) 6 SCC 154** to contend that without putting the petitioners to notice, recovery could not be made.

7. Learned Standing Counsel submits that though it is always open for the employer to rectify the mistake and to recover the amount which has been extended and was not liable to be extended, nevertheless, according to him, propriety demanded that the writ petitioner ought to have been put to notice.

8. I have heard the contentions so made across the bar and perused the record.

9. Apparently, benefits had been accorded to the writ petitioners prior to their retirement on 31.10.2023 & 30.09.2025; however, post-retirement, the same are being sought to be recovered by virtue of the order dated 09.12.2025.

10. In the opinion of the Court, although it might be a case where exercise was undertaken for redetermination of the pay scale prior to retirement, at least the writ petitioner ought to have been put to notice and a conscious decision ought to have been taken bearing in mind the judgments of the Apex Court in **Rafiq Masih (supra)**, **Thomas Daniel (supra)**.

11. In **Bhagwan Shukla (supra)**, 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."

12. Accordingly, the writ petition is being **disposed of** in the following terms:

A. The order dated 09.12.2025 passed by the District Development Officer, Bulandshahr (Respondent No. 3), is set aside. The matter stands remitted back to the authorities to pass a fresh order after putting the writ petitioners to notice and seeking his reply.

B. The entire exercise shall be undertaken within a period of two months. Thereafter, the retiral benefits of the writ petitioners shall also be paid, subject to the outcome of further orders to be passed.

January 14, 2026
R.S. Tiwari

(Vikas Budhwar,J.)