



2026:AHC:10051

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16148 of 2025

Kripashankar Ram @ Kripashankar Gond

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Kumar Dixit
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Arvind Kumar Dixit, learned counsel for the petitioner and Sri B.K. Srivastava, learned Standing Counsel, who appears for State-respondents.
2. The case of the writ petitioner is that he was appointed on the post of Gram Panchayat Adhikari in the year 1989 and superannuated on 31.07.2023. The grievance of the writ petitioner is that by virtue of the order impugned dated 03.09.2024 passed by the District Panchayat Raj Officer, an amount of Rs. 1,44,517/- has been deducted.
3. Questioning the same, the writ petitioner has been filed the present writ petition.
4. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that the writ petitioner was not put to notice and behind the back of the writ petitioner, the order impugned came to be passed. He further submits that it is a case of fraud, concealment or misrepresentation.
5. Sri B.K. Srivastava, learned Standing Counsel submits that once the excess amount has been paid which was not liable to be paid to the employee then, of course, authority can recover the same. He submits that from the order impugned, it is not forthcoming whether the writ petitioner put to notice. However, he submits that the order be set aside and the matter be remitted back to authority to pass fresh orders.
6. I have heard learned counsel for the parties and gone through the records

carefully.

7. The facts are not in issue. Apparently, the writ petitioner who was appointed as Gram Panchayat Adhikari superannuated on 31.07.2023, the order impugned dated 03.09.2024 recites that the reason for recovery is that the writ petitioner was extended benefits which were not liable to be extended. The Hon'ble Apex Court in ***Bhagwan Shukla vs. Union of India and others; (1994) 6 SCC 154*** had 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."

8. Learned Standing Counsel has submitted that the writ petitioner has submitted an undertaking.

9. Learned counsel for the writ petitioner disputes the same.

10. Since it is not forthcoming for the order impugned that the writ petitioner was put to notice thus this Court has no option but to set aside the order impugned.

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

(a) The order dated 03.09.2024 passed by District Panchayat Raj Officer, District Varanasi is set aside.

- (b) The matter be remitted back to authority to pass fresh orders.
- (c) A show cause notice shall be issued within second week of February, 2026.
- (d) The writ petitioner shall be accorded opportunity of hearing and order be passed within a period of four months from the date of presentation of the certified copy of the order.

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

January 14, 2026

A. Prajapati

(Vikas Budhwar,J.)