



2026:AHC:8969

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19493 of 2025

Heera Lal Solanki

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Srishti Singh, Yogesh Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Ms. Srishti Singh, learned counsel for petitioner and Shri Gaurav Singh, learned Standing Counsel.
2. By means of this petition filed under Article 226 of the Constitution petitioner has challenged the order passed by the District Magistrate, Firozabad dated 24.07.2025 whereby the recovery to the tune of Rs. 68,554/- i.e. 1/3 of the total liability as against Rs.2,05,664 on the basis of some inquiry report, has been directed against petitioner.
3. It is argued on behalf of petitioner that while the respondent proceeded to hold inquiry on directives of State Election Commissioner for alleged non-payment of fuel charges incurred in the general election by an outsourcing service provider agency but no such inquiry report was supplied to petitioner to meet the findings returned therein and this amounted to denial of reasonable opportunity of hearing to defend the case qua the charges levelled for which the inquiry was held.
4. Learned Standing Counsel, Shri Gaurav Singh has obtained instructions in the matter which is taken on record. It transpires from the instructions that petitioner was permitted to participate in the inquiry but after the inquiry report was submitted, he was neither supplied with copy of the inquiry report, nor was served with any show cause notice to meet the findings arrived at in the inquiry report.
5. In view of the above, therefore, it is clear that reasonable opportunity of hearing was denied to the petitioner and the order passed by the authority is in gross violation of principles of natural justice.

6. In the given facts and circumstances of the case, therefore, I am of the considered view that the order dated 24.07.2025 is clearly unsustainable. Matter is accordingly deserves to be remitted to the authority concerned to decide afresh after receiving reply of the petitioner against the findings returned in the inquiry report. Since the instructions contains a copy of the inquiry report, copy of the instructions is supplied to the learned counsel for petitioner in the Court itself. Petitioner shall now submit reply meeting the findings arrived in the inquiry report dated 11.07.2025 within four weeks from today before the respondent No. 3, who shall then fix a date to offer a personal hearing to the petitioner and after hearing the petitioner, if he appears on the date fixed, or even if petitioner fails to appear, the respondent No. 3 shall proceed to pass order considering the reply of the petitioner within the next one month's time of the date fixed for personal hearing. Needless to add that the order to be passed by the authority shall be reasoned and speaking one, while passing a speaking order, the issue of leave encashment be also considered.

7. In these circumstances, the order dated 24.07.2025 passed by the District Magistrate/ District Election Officer, Firozabad is hereby quashed.

8. This petition, thus, stands allowed in above terms.

January 14, 2026

A. Prajapati

(Vikas Budhwar,J.)