



2026:AHC:8572

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 41236 of 2010

Jitendra Singh

.....Petitioner(s)

Versus

State of U.P. and Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Kumar Yadav, Bipin Kumar Jaiswal, Devendra Kumar Yadav, Divyansh Rai, Sanjay Kumar Srivastava
Counsel for Respondent(s)	:	C. S. C., C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Divyansh Rai, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.
2. Since counter affidavit and rejoinder affidavit have been exchanged, the matter is ripe for final hearing.
3. The case of the writ petitioner is that he was appointed on a substantive post of Stenographer on 17.01.1991. According to the writ petitioner, the writ petitioner is working as Personal Assistant of Chief Development Officer and he was accorded certain benefits, however, by virtue of the impugned orders dated 19.05.2010 and 28.05.2010 passed by Respondent no.5, recovery was sought to be made against the writ petitioner. Learned counsel for the writ petitioner submits that the impugned order cannot be sustained and they are in violation of the principles of natural justice. The writ petitioner has not been put to notice and the entire action was unilateral.
4. Learned Standing Counsel could not dispute the said factum and according to him, the order impugned be set aside and the matter be remitted back to pass fresh orders after hearing the writ petitioner.
5. I have heard learned counsel for the parties and gone through the records carefully.
6. Apparently, the grievance is that the entire exercise undertaken by the

respondents is a unilateral action. In the opinion of the Court, any action which is undertaken ex parte that too to the detriment cannot be sustained. 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."

7. 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.

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

(a) The orders dated 19.05.2010 and 28.05.2010 passed by Respondent no.5, District Development Officer, Mau are set aside.

(b) The matter be remitted back to authority to pass fresh orders.

9. For facilitating early disposal, the party shall furnish a comprehensive representation along with the self-attested copy of the writ petition before the concerned authority, who shall proceed to decide the said proceeding with most expedition. Thereafter the latter shall put to notice the writ petitioner fixing a date for hearing and in case, any input is required, then the same shall be submitted by the writ petitioner by way of application and an order shall be passed within a period three months from the date of

presentation of the certified copy of the order.

January 13, 2026
N.S.Rathour

(Vikas Budhwar,J.)