



2026:ABC:1241

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18513 of 2025

Tarkeswar Tiwari

.....Petitioner(s)

Versus

Director General Crpf Cgo Complex And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Malik Juned Ahmad
Counsel for Respondent(s)	:	A.S.G.I., Prem Narayan Rai

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Malik Juned Ahmad, learned counsel for the writ petitioner and Sri Prem Narayan Rai, learned counsel for the respondents.
2. Sri Prem Narayan Rai, learned counsel for the respondents has made a statement at Bar that he is well equipped with the instructions and is in a position to argue the matter and he does not propose to file any affidavit and 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 case of the writ petitioner is that he was appointed on the post of Constable G.D. on 06.07.2007 in CRPF and he was invalidated from service on 04.01.2025, however, when a stage came for according post-retiral benefits, then the order impugned came to be passed on 14.11.2025 by the Pay and Accounts Officer, Central Pension, New Delhi mentioning therein that since amounts have already been paid to the writ petitioner to the tune of Rs.8,98,904/-, out of which Rs.490110/- has already been recovered and Rs.408795/- is to be recovered, thus the writ petitioner was directed to deposit the said amount of Rs.408795/-.
5. Questioning the said order the present petition has been preferred.
6. Learned counsel for the writ petitioner submits that the order impugned cannot be sustained particularly when it is post the date of invalidation of the service of the writ petitioner. He further submits that it is not a case of fraud,

concealment or misrepresentation. Further submission is that the case of the writ petitioner stands covered in view of the judgment of the Hon'ble Apex Court in the case of *State of Punjab vs. Rafique Masih (White Washer)* reported in (2015) 4 SCC 334 and *Thomas Daniel Vs. State of Kerala and others*, (2022) LiveLaw (SC) 438.

7. Learned counsel for the respondents on the other hand submits that whatever might be it is always open for the employer to deduct the excess amount. However, according to him, it is not forthcoming from the order impugned that the writ petitioner was put to notice. He submits that the order be treated to be a show cause notice, however, he submits that a show cause notice shall be issued to the writ petitioner.

8. Learned counsel for the writ petitioner has no objection to the same.

9. Considering the submissions so made across the Bar and bearing in mind that it is not forthcoming from the order impugned that the writ petitioner was put to notice and it is a case of fraud, concealment or misrepresentation, thus, the writ petition is being decided in the following terms:

(a) The writ petitioner shall be issued a show cause notice by 16.01.2026.

(b) The writ petitioner shall respond to the show cause notice by 30.01.2026 and an order shall be passed by 15.03.2026.

(c) Till 15.03.2026 or till the passing of the order, whichever is earlier, no coercive action shall be taken against the writ petitioner.

(d) The order dated 14.11.2025 shall be subject to final orders.

(e) It shall be open for the writ petitioner to raise all legal and factual issues while relying upon the judgment, which he has relied upon before this Court.

10. In view of aforesaid, the writ petition stands **disposed of**.

January 6, 2026

N.S.Rathour

(Vikas Budhwar,J.)