



2026:AHC:10327

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 350 of 2026

Shri Ranjeet Singh

.....Petitioner(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shri Kant, Suresh Pal
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Shri Kant, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. Sri Gaurav Singh, learned Standing Counsel has made a statement at bar that he is well equipped with the instructions and he 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. With the consent of the parties, the writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed on the post of Gram Panchayat Adhikari on 12.09.1986 and he promoted as Assistant Development Officer on 06.06.2017. According to the writ petitioner, two orders came to be passed, one dated 17.02.2023 passed by District Panchayat Raj Officer, Badaun and the second order dated 08.09.2025 passed by District Panchayat Raj Officer, Badaun by the impugned orders, re-fixation has been done and recovery order has been passed behind the back without hearing of the writ petitioner. Learned counsel for the writ petitioner seeks to rely upon the judgment in the case of **Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154.**

4. Learned Standing Counsel submits that from the order impugned it is not forthcoming that the writ petitioner was put to notice.

5. I have heard the submissions so made across the bar and perused the record.

6. Apparently, the impugned orders have been passed by which re-fixation and recovery is being sought to be made. It is not forthcoming from the order impugned that the writ petitioner was put to notice and further it is a case of fraud, concealment or misrepresentation. No doubt, it is open for the employer to re-fix the pay and also to recover the amount but it is a cardinal principle that the same cannot be done post service of notice and after hearing him. In **Bhagwan Shukla (supra)**, wherein 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."

7. Since the writ petitioner has not been put to notice and the entire action has been taken unilaterally, thus, the order cannot be sustained.

8. Looking into the overall fact situation and the stand taken by the respective parties, this Court without delving any further is disposing of the writ petition in the following terms.-

(a) the orders dated 17.02.2023 and 08.09.2025 passed by District Panchayat Raj Officer, Badaun is set aside; (b) writ petitioner shall prefer

a comprehensive representation along with the self attested copy of the present petition and certified copy of the order passed today by **30.01.2026**; (c) on the said motion, the fifth respondent, District Panchayat Raj Officer, District Budaun shall fix a date for putting to notice the writ petitioner and hear him after due communication; (d) thereafter orders be passed within a period of two months.

9. With the above observation, the present petition stands **disposed of**.

10. Sri Gaurav Singh, learned Standing Counsel has made a statement that by 12.02.2025, show cause notice has been issued.

(Vikas Budhwar,J.)

January 16, 2026
Rajesh