



2026:AHC:10673

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 382 of 2026

Akhilesh Kumar Parashar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Purushottam Mani Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Putushottam Mani Tripathi, learned counsel for the writ petitioner and Sri S.K. Pal, learned Standing Counsel for the State.
2. Sri S.K. Pal, learned Standing Counsel has made a statement at Bar that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter 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 01.01.1996 as Junior Clerk. He was promoted on 01.08.2012 as Senior Clerk, however, by virtue of the orders impugned dated 25.08.2025 and 09.09.2025 passed by Respondent no.4, Block Development Officer, Block Bijauli, District Aligarh and recovery has been directed.
5. Questioning the orders impugned, present writ petition has been preferred.
6. Learned counsel for the writ petitioner submits that the order impugned cannot be sustained for the simple reason that the same is unilateral passed behind the back without putting the writ petitioner to notice. Further submission is that it is not the case of fraud, concealment or misrepresentation.
7. Learned Standing Counsel on the other hand submits that the the show

cause notice shall be issued to the writ petitioner by 06.02.2026.

8. I have heard the submissions so made across the Bar and perused the record carefully.

9. Apparently, the orders dated 25.08.2025 and 09.09.2025 passed by Respondent no.4, Block Development Officer, Block Bijauli, District Aligarh, do not show that the writ petitioner was put to notice. 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."

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.

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

(a) The orders dated 25.08.2025 and 09.09.2025 passed by Respondent no.4, Block Development Officer, Block Bijauli, District Aligarh are set aside.

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

12. 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 a fresh order shall be passed within a period three months from the date of presentation of the certified copy of the order.

13. With the aforesaid observations, the writ petition stands **disposed of**.

January 16, 2026

N.S.Rathour

(Vikas Budhwar,J.)