



2026:AHC:9182

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19767 of 2025

Afaq Husain

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahesh Kumar, Shiva Shanker Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ajay Kumar Pandey (AoR No. A/A 0215/2012) holding brief of Sri Shiv Shankar Yadav, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.

2. Sri Rahul Malviya, 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 the post of Gram Panchayat Officer in the year 1992 and he assumed charge on 12.04.1993. Thereafter he was promoted on the post of Assistant Development Officer (Panchayat) on 25.05.2021. According to writ petitioner he stood superannuated on 31.12.2025. However, prior to it on 30.10.2025, District Panchayat Raj Officer Farrukhabad had re-fixed the pay of the writ petitioner and thereafter a recovery notice came to be issued on 21.11.2025 by the District Panchayat Raj Officer seeking to recover the excess amount paid i.e. Rs.16,84,388/- to which the writ petitioner tendered his reply on 09.12.2025.

5. Questioning both the orders, 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. However, prior to two months from the retirement, the impugned order has been passed.

7. Learned Standing Counsel on the other hand submits that the order impugned though does not recite that the writ petitioner was put to notice, but according to him, it is always open for the employer to correct the error which have been committed.

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

9. Apparently, the orders dated 30.10.2025 and 21.11.2025 passed by the District Panchayat Raj Officer, District Farrukhabad, Respondent no.3, 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 30.10.2025 and 21.11.2025 passed by the District Panchayat Raj Officer, District Farrukhabad 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.

January 14, 2026

N.S.Rathour

(Vikas Budhwar,J.)