



2026:AHC:13735

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 490 of 2026

Shakeel Hasan Khan And 9 Others

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Yaseen, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashok Khare, learned Senior Advocate assisted by Sri Mohd. Yasin, learned counsel for the writ petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State.

2. Sri Pramod Kumar Srivastava has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, 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 petitioners who are 10 in number is that they were appointed as Urdu Translators-cum-Junior Clerks which was re-designated as Urdu Translators-cum-Junior Assistant. The dates of the appointment of the writ petitioners no. 1 to 10 are 06.03.1995, 06.03.1995, 06.03.1995, 06.03.1995, 23.03.1995, 06.03.1995, 30.09.1995, 29.07.1995, 17.10.1995 and 30.03.1995. According to the writ petitioners, their service stands regulated by Uttar Pradesh Urdu Translators-cum-Junior Clerk Service Rules, 1994. As per the writ petitioners, on 21.02.2007, post completion of 12 years of satisfactory service Urdu Translators-cum-Senior Clerk were sanctioned Grade Pay of Rs. 2400/- in Pay Band Rs. 5200-20200/-. the cadre of the Urdu Translators-cum-Junior Clerk/Junior Assistant was restructured by means of Government Order dated 30.11.2011, 11.10.2013, 20.06.2016. Thereafter, on 30.11.2011, Urdu Translators-cum-Junior Clerk were upgraded to the post of Urdu Translators-cum-Senior Assistant in the Grade Pay of Rs. 2800 Pay Band

Rs. 45,700 thereafter, Government Orders came to be issued on 11.10.2013, 20.06.2016 upgrading the Urdu Translators-cum-Senior Assistant to the Grade Pay of Rs. 4200/- in Pay Band of Rs. 9300-34,100/-. By virtue of the Government Order dated 21.02.2007 certain benefits were also accorded to the writ petitioners. Government Orders dated 02.12.2000 was also issued to avoid stagnation. Till, 30.11.2008, the scheme of time scale of pay continued, however, with effect from 01.12.2008 ACP came into operation which was implemented by virtue of the order dated 04.05.2010 and thereafter, subsequent Government Orders came to be issued on 05.11.2014, the writ petitioners were sanctioned additional increment in the form of benefit of selection grade on completion of 8 years of length of service in the year 2003 thereafter, Government Order was issued on 03.07.2008 and 13.02.2013 followed by another Government Order dated 15.05.2015. Clause 1(1) of the Government Order dated 15.05.2015 made provisions that such Urdu Translators-cum-Junior Clerk who had completed 10 years length of service are eligible for sanction on Grade Pay of Rs. 2400/- as the benefit of first financial upgradation. Clause 1(2) of the Government Order dated 15.05.2015 provided the benefit of Grade Pay of Rs. 2800/- and the designation of Urdu Translators-cum-Junior Assistant sanctioned on completion of 15 years length of service would be available as the benefit of first promotion. Similarly, clause 1(3) of the Government Order dated 15.05.2015 clarified that Urdu Translators-cum-Senior Assistant accorded such benefit in terms of the Government Order dated 21.02.2007 were to be entitled to second financial upgradation. That in accordance with the aforesaid Government Orders, several benefits stood accorded to the petitioners and for illustration the writ petitioners have cited the case of Kamar Abbas Zaidi sanctioning the designation of Urdu Translators-cum-Senior Assistant and the Grade Pay of Rs. 2800/-. According to the writ petitioners on 02.12.2014, 12.06.2012 another Government Order was issued by the District Development Officer, Bareilly pertaining to Kamal Abbas Zaidi fixing grade pay of Rs. 2800/-. That a screening committee was constituted with respect to grant of third financial upgradation and the writ petitioners no. 1 to 8 were accorded the said benefits on different dates with effect from 2023 vide order dated 16.02.2024, however, rest of the writ petitioners were granted the said benefits on 30.07.2024,

however, now an order came to be passed on 04.12.2025 by District Development Officer, Bareilly cancelling the order dated 16.02.2024 according of the third financial upgradation relying upon the letters dated 23.07.2025 and 10.08.2025.

4. Questioning the same, the present writ petition has been preferred.

5. Learned counsel for the writ petitioners has sought to argue that the order dated 04.12.2025 passed by the District Development Officer, Bareilly cannot be sustained since the same is unilateral behind the back of the writ petitioners without putting to notice the writ petitioners. Submission is that already a screening committee stood constituted and on its own recommendation, the writ petitioners were accorded the said benefit. It is also submitted that it is not the case of fraud, concealment or misrepresentation. Reliance has been placed upon the judgment of Hon'ble Apex Court in **Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154.**

6. Sri Pramod Kumar Srivastava, learned Additional CSC on the basis of the instructions which he has received dated 10.01.2026 under the signature of District Development Officer, Bareilly has submitted that the order impugned is perfectly valid in accordance with law as the writ petitioners were not entitled to the same benefit. However, on a pointed query being raised to him whether the writ petitioners were put to notice, the answer is in negative. He, thus, submits that the order be set aside while remitting the matter back to pass a fresh order strictly in accordance with law.

7. I have heard the submission so made across the bar and perused the record.

8. Facts are not in issue. It is not in issue that the writ petitioners were accorded benefit on 16.02.2024 which have been taken away unilaterally on 04.12.2025 by District Development Officer, Bareilly. The order impugned does not show that there happens to be issuance of a show cause notice and consideration of the reply. In **Bhagwan Shukla (supra)** 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."

9. Since the order impugned is in violation of principles of natural justice and it is not forthcoming that it is a case of fraud, concealment or misrepresentation, thus, the order cannot be sustained.

10. Accordingly, the writ petition is being decided in the following terms.-

(a) the order dated 04.12.2025 passed by District Development Officer, Bareilly, fifth respondent is set aside; (b) it is open for the District Development Officer, Bareilly to pass a fresh order strictly in accordance with law after putting to notice the writ petitioners and the affect parties within a period of three months.

11. With the aforesaid observations, the writ petition stands disposed of.

12. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

January 20, 2026

Rajesh