



2026:AHC:15943

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 598 of 2026

Brij Mohan Sharma

.....Petitioner(s)

Versus

State Of U.P. And 2 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 Purshottam Mani Tripathi, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.

2. Sri Manish Kumar, learned Standing Counsel 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 petitioner is that she was appointed as Junior Accounts Clerk/Accounts Clerk on 17.03.1992, the same was merged into the Account Assistant, however, on 26.04.2006 Government Order was issued whereby Assistant Accounts Pay Scale was enhanced to Rs. 4500-7000/- and Account Rs. 5500- 9000/- and Senior Account Rs. 6500-10,500/-. According to the writ petitioner she was accorded benefits of the ACP etc., however, by virtue of the order dated 20.12.2025 and recovery order dated 25.12.2025 the amount of Rs. 7,87,505/- is being deducted though the writ petitioner superannuated on 30.09.2025. Learned counsel for the writ petitioner submits that the order impugned is in violation of principles of natural justice, there is no case of fraud, concealment or misrepresentation now, the post retiral benefits has not been accorded to the writ petitioner.

4. Sri Manish Kumar, learned Standing Counsel submits that it is always

open for the employer to rectify the error, however, according to him, it is not forthcoming from the order impugned in the writ petition that the writ petitioner was put to notice.

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

6. Facts are not in issue. It is not in issue that the writ petitioner was accorded certain benefits which have been taken away and a consequent recovery has been directed. Order impugned does not recite and it is not forthcoming that the writ petitioner was put to notice or it is a case of fraud, concealment or misrepresentation.

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

(a) the orders dated 26.09.2025, 12.12.2025 and consequential order dated 30.11.2025 insofar as it pertains to the writ petitioner for re-fixation and recovery of an amount of Rs. 7,87,505/- is set aside; (b) matter stands remitted back to the authority to pass a fresh order; (c) for facilitation, the writ petitioner shall furnish a self attested copy of the writ petition, certified copy of the order passed today before the competent authority by **05.02.2026**; (d) the competent authority shall show cause to the writ petitioner by **29.02.2026** and the writ petitioner shall tender reply by **27.02.2026**, orders be passed by **31.03.2026**.

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

(Vikas Budhwar,J.)

January 21, 2026

Rajesh