



2026:AHC:15950

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 609 of 2026

Ram Bahadur Singh

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Siddharth Shukla, Trilok Nath Dubey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Trilok Nath Dubey and Sri Siddharth Shukla, 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 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 he joined as 20.02.1984, he was promoted as Head Constable, he retired on 30.06.2025. A show cause notice came to be issued seeking reply of the writ petitioner as to why excess amount will not recover to which the writ petitioner tendered his reply, however, the order impugned dated 15.12.2025 passed by Commandant 36th Battalion, Ramnagar, District Varanasi and thereafter, the order impugned dated 15.12.2025 came to be passed by Commandant, 36th Battalion, Ramnagar, District Varanasi.

4. Questioning the said order, the present writ petition has been preferred.

5. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained as no show cause notice came to be issued which was replied by the writ petitioner but there was no

consideration in the order impugned.

6. Learned Standing Counsel further submits that though it appears from the records that the writ petitioner has submitted his reply to the show cause notice but the considerations have not there, thus, order be set aside, matter be remitted back to the authority to pass a fresh order.

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

8. Apparently, a show cause notice came to be issued to the writ petitioner for recovery of excess payment and re-fixation which shall be not responded by the writ petitioner, however, the order impugned does not depict that there happens to be consideration of the reply submitted by the writ petitioner, thus, the order impugned cannot be sustained.

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

(a) the orders dated 29.12.2025 and 15.12.2025 passed by second respondent, Commandant 36th Battalion, PAC Ramnagar, District Varanasi are set aside; (b) matter stands remitted back to the authority to pass a fresh order strictly in accordance with law within a period of two months from the date of production of certified copy of the order. Any recovery shall be subject to the final orders to be passed post remand by this Court.

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

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

(Vikas Budhwar,J.)

January 21, 2026

Rajesh