



2026:AHC:12864

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 9887 of 2024

Pratap Singh

.....Petitioner(s)

Versus

State Of Up And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Goel
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Amit Goel, learned counsel for the writ petitioner and Sri S.K. Pal, learned Addl. Chief Standing Counsel for the State.

2. The case of the writ petitioner is that the writ petitioner was appointed in the year 1984 as Constable and he was promoted as Head Constable in the year 2003 and further promoted on the post of Sub-Inspector. It is also the case of the writ petitioner that he superannuated on 30.09.2022, however, according to the writ petitioner post retirement now recovery has been sought to be made by virtue of the order dated 07.03.2024 passed by Ahran Vitran Adhikari, Police Department, Gautam Buddh Nagar to the tune of an amount of Rs. 6,60,887/-.

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

4. Learned counsel for the writ petitioner has submitted that before passing the said order, the writ petitioner was not put to notice and the entire action is unilateral behind the back and further the writ petitioner has not concealed and fact, he has not misrepresented or practice fraud. He seeks to rely upon the decision of the Hon'ble Apex Court in ***State of Punjab vs. Rafique Masih (White Washer) reported in (2015) 4 SCC 334*** and ***Thomas Daniel Vs. State of Kerala and others, (2022) LiveLaw (SC) 438***. He further submits that the respondents seeks to rely upon an undated undertaking, according to him, an undated undertaking cannot be considered as the same has been planted. He seeks to rely upon coordinate Bench in Writ A No. 8698 of 2024 (Janveer Singh Rawat v. State of U.P. and 4 others), decided on 08.08.2024.

5. Learned Standing Counsel on the other hand submits that whatever might be, once any error has been committed then it is always open for the employer to deduct the said amount. However, according to him, it is not forthcoming from the order impugned that the writ petitioner was put to notice, thus, the matter needs reconsideration.

6. I have heard learned counsel for the parties and gone through the records carefully.

7. Apparently, the grievance of the writ petitioner is that certain recovery has been sought to be made of the excess amount. From the order impugned, it does not appear that the writ petitioner put to notice. It is not the case of fraud, concealment or misrepresentation. As regards, the undertaking part is concerned, it is not apparent, the date of the undertaking is not mentioned, the writ petitioner disputes the same.

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

(a). The impugned order dated 07.03.2024 passed by the respondent no.5 is set aside.

(b) The matter stands remitted back to pass fresh order strictly in accordance with law after putting notice to the writ petitioner. The show cause notice shall be issued, petitioner shall file reply within a period of two weeks, on the said motion the orders be passed within a period of three months, from the date of production of certified copy of the order.

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

January 19, 2026
A. Prajapati

(Vikas Budhwar,J.)