



2026:AHC:6870

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 133 of 2026

Gokul Dutt Joshi

.....Petitioner(s)

Versus

The State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anuj Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Anuj Mishra, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed as Cook in Police Department in the year 1983 and superannuated on 30.06.2023. Post retirement, now an order impugned has been passed on 22.08.2023 and 05.09.2023 by the fifth respondent, Superintendent of Police, Amroha, District Amroha seeking to recover certain amount and re-fixation. Learned counsel for the writ petitioner submits that the order impugned has been passed in violation of principles of natural justice unilaterally without putting to notice to writ petitioner.

3. Shri R.S. Umrao submits that though once there happens to be an error kept in while determining the salary then it is always open for the employer to alter the same and to correct it as the same is to be done after putting to the notice to the writ petitioner. He submits that from the order impugned, it is not forthcoming whether the writ petitioner put to notice. However, he submits that the order be set aside and the matter be remitted back to authority to pass fresh orders.

4. I have the submissions so raised across the Bar and perused the record carefully.

5. The facts are not in issue. Apparently, the grievance is that the entire exercise undertaken by the respondents while reducing the salary while altering, it is a unilateral action. In the opinion of the Court, any action

which is undertaken exparte that too to the detriment, cannot be sustained. 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."

6. 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.

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

(a) The order dated 22.08.2023 and 05.09.2023 passed by Superintendent of Police, Amroha is set aside.

(b) The matter be remitted back to authority to pass fresh orders.

8. For facilitating early disposal, the party shall furnish a comprehensive representation along with the self-attested copy of the writ petition by 22.01.2026 and the authority shall proceed to decide the said proceeding with most expedition. Thereafter the later shall put to notice the writ

petitioner fix 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 an order to be passed within a period three months from the date of presentation of the certified copy of the order.

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

January 12, 2026

N.S.Rathour

(Vikas Budhwar,J.)