



2026:ABC:2759

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19601 of 2025

Prakash Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri A.K. Chaudhary, learned counsel for the petitioner and Sri Gaurav Singh, learned Standing Counsel, who appears for State-respondents.
2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that he was appointed on the post of Constable in the year 1984 and thereafter he was promoted on the post of Head Constable. He claims to have superannuated on 31.12.2025. According to the writ petitioner, now impugned order has been passed on 18.10.2025 whereby there has been refixation on the basic salary while reducing it to Rs. 66,000/- per month to Rs. 62,000/- and consequential recovery has been made on the basis that the writ petitioner has been extended certain benefits which he has not been entitled too.
4. Questioning the same, the writ petitioner has been filed the present writ petition.
5. Learned counsel for the petitioner submits that the order impugned cannot be sustained for the simple reason that the same is unilateral, behind the back of the writ petitioner and it is not a case of concealment, misrepresentation or fraud.
6. Learned Standing submits that whatever might be, it is always open for the employer to rectify the errors. However, according to him, it is not forthcoming from the order in question that the writ petitioner was put to

notice. However, he submits that the order be set aside and the matter be remitted back to authority to pass fresh orders.

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

8. Facts are not in issue. It is not in issue that the writ petitioner was appointed as a Constable and thereafter he was promoted as Head Constable. Certain benefits were accorded which were being divested and the refixation has been done while reducing the basic pay to the tune of Rs. 66,000/- per month to Rs. 62,000/-. It is also not forthcoming from the order impugned that the writ petitioner has been put to notice. Further it is also not apparent that it is a case of fraud, misrepresentation or concealment. 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."

9. Accordingly, the order impugned cannot be sustained, the writ petition is being decided in the following manner:

(a) The order dated 18.10.2025 passed by respondent no. 4, Police Commissioner, Police Commissionerate, District Gautam Budh Nagar is set aside.

(b) The matter be remitted back to authority to pass fresh orders post issuance of the show cause notice and after considering the reply of the writ petitioner.

10. Needless to point out that in case the writ petitioner is entitled to entire benefits then the same shall be computed along with the post retiral benefits.

11. Accordingly, the writ petition stands **disposed of**.

January 7, 2026
A. Prajapati

(Vikas Budhwar,J.)