



2026:AHC:20990

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 463 of 2026

Ashish Dubey

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Mohan Ojha
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri K.M. Ojha, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.
2. This Court had entertained the writ petition on 19.01.2026 and sought instructions.
3. Today, instructions have been produced under the signature of Additional Commissioner, Foods, Meerut Mandal, Meerut dated 27.01.2026. Sri Rahul Malviya submits that he is in a position to argue the matter. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that the father of the writ petitioner Late Om Prakash Dubey was a Supply Inspector and consequent to his death, the writ petitioner was appointed and died-in-harness as Clerk. It is also the case of the writ petitioner that on 22.12.2025, an order came to be passed by Joint Commissioner, Foods, Meerut Region, Meerut whereby the salary of the writ petitioner was withheld with effect from December, 2025. Thereafter, on 22.12.2025, a notice came to be issued to the writ petitioner to submit his reply. The writ petitioner claims to have submitted his reply on 28.12.2025 and thereafter, on 31.12.2025, an order came to be passed by Joint Director, Foods, Meerut Region, Meerut stopping the salary from March, 2025. Learned counsel for the writ petitioner submits that even for the period from July, August and September, the salary has not been paid.

5. Questioning the orders dated 22.12.2025 and 31.12.2025 passed by fourth respondent, Joint Commissioner, Foods, Meerut Region, Meerut, the present writ petition has been preferred.

6. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for the simple reason that the order has been passed without considering the reply so submitted by the writ petitioner. He submits that though on 22.12.2025, the writ petitioner was directed to submit his reply and the writ petitioner submitted his reply on 28.12.2025 but by virtue of the order dated 31.12.2025 itself the salary has been withheld. He further submits that at least the explanation so set forth by the writ petitioner that the show cause notice ought to have been considered, thus, the violation of principles of natural justice.

7. Sri Rahul Malviya, learned Standing Counsel on the basis of the instructions has submitted that whatever might be the respondents after examining the entire aspects have been withheld the salary, however, according to him, it is not forthcoming from the order impugned that petitioner's reply has been considered.

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

9. Apparently, the salary of the writ petitioner has been withheld for the aforesaid period. Though according to the writ petitioner, communications came to be issued seeking reply on 22.12.2025 to which the writ petitioner tendered his reply on 28.12.2025 without considering the same in a hot haste, the order came to be passed on 22.12.2025 and 31.12.2025 by fourth respondent withholding the salary. The explanation set forth by the writ petitioner has not been considered at all which is violation of principles of natural justice.

10. At this juncture, Sri Rahul Malviya, learned Standing Counsel submits that the explanation of the writ petitioner would be considered.

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

(a) the order dated 22.12.2025 and 31.12.2025 passed by fourth respondent, Joint Commissioner, Foods, Meerut Region, Meerut is set aside;

(b) matter stands remitted back to the authority to pass a fresh order considering the reply submitted by the writ petitioner.

12. The question with regard to the fact whether the respondent no. 4 is not authority of the writ petitioner as claimed by the writ petitioner shall also be considered.

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

(Vikas Budhwar,J.)

January 30, 2026

Rajesh