



2026:AHC:26326

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 1744 of 2026

Munir Ahmad And 7 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditendra Singh, Vinod Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vinod Kumar Singh, learned counsel for the petitioners and Sri Anoop Kumar, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. Sri Anoop Kumar, learned Additional Chief learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioners is that on 09.09.1994, the State Government issued a notification, notifying the Uttar Pradesh Urdu Translator-cum-Junior Clerk Service Rules, 1994. The case of the writ petitioners is that they were engaged as Urdu Translator-cum-Junior Clerk on 07.07.1995, 17.08.1995, 18.04.1995, 25.04.1995, 25.04.1995, 25.04.1995, 26.04.1995, and 26.04.1995 respectively by virtue of the Government order dated 21.02.2007 post completion of twelve years of service, the Urdu Translator-cum-Senior Clerk was sanctioned grade pay of Rs. 2400/- in the pay band of Rs. 5200-20200/-. The cadre of the Urdu Translator-cum-Junior Clerk/ Junior Assistant was restructured by means of the Government orders dated 30.11.2011, 11.10.2013 and 20.06.2016. It is also the case of the petitioners that the Urdu Translator-cum-Junior Clerk (re-designated as Urdu Translator-cum-Junior Assistant) was upgraded to the post of Urdu Translator cum Senior Assistant in grade pay of Rs. 2800/- in the pay band of Rs. 4500-7000/- and vide the Government order dated 11.10.2013 and 20.06.2016, provision was made for up-gradation of the

Urdu Translator cum Senior Assistant to grade pay of Rs. 4200/- in the pay band of Rs. 9300-34100/-, and the said benefits were accorded to the writ petitioners and thereafter, time scale or pay was accorded on 02.12.2000 and by virtue of the scheme of time scale of pay continued in force till 30.11.2008 with effect from 01.12.2008. It is also the case of the petitioners that they were also accorded the benefits of the Government orders issued from time to time including the Government order dated 15.02.2015. However, according to the petitioners, the third ACP so accorded to them by virtue of the Government order dated 31.07.2021 and 23.09.2022 has now by virtue of the order impugned dated 16.12.2025 passed by the District Development Officer, taken away unilaterally behind their back without putting them to notice.

4. Questioning the same, the writ petitioners has been filed the present writ petition.

5. Learned counsel for the writ petitioners has submitted that the order impugned cannot be sustained even for a single moment, particularly, when once the vested right stood accrued in favour of the petitioners, then the same could not have been divested in violation of the principles of natural justice without putting them to notice. Reliance has been placed upon the judgment of Hon'ble Apex Court in ***Bhagwan Shukla vs. Union of India and others; (1994) 6 SCC 154.***

6. Sri Anoop Kumar, learned Additional Chief Standing Counsel on the other hand submits that whatever might be once an error stood crept in whereby certain benefits were accorded which were not liable to be extended to the petitioners, then it is always open for the employer to correct the errors. However, it is not in dispute the fact that the order impugned takes away the said benefit but also seeks to recover the same without putting them to notice.

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 petitioners were extended certain benefits which according to the employers were not liable to be extended. However, the Court finds, it is not forthcoming from the order impugned that the writ petitioners were not put to notice.

9. In **Bhagwan Shukla (supra)** 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."

10. Since the exercise is lacking and additional feature is also there that the impugned order not only takes away the said right but also seeks to recover, thus, the order impugned does not sustain.

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

(a). The impugned order dated 16.12.2025 passed by the District Development Officer, Firozabad is set aside.

(b). The matter stands remitted back to pass fresh order strictly in accordance with law after putting notice to the writ petitioners.

12. At this stage, Sri Anoop Kumar, learned Additional Chief Standing Counsel submits that the show cause notice shall be issued by the second week of March, 2026 and in case show cause notice is issued, the writ petitioners are to respond to the same within a period of 15 days and the

order be passed within a period of two months therefrom.

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

February 6, 2026
Ashu

(Vikas Budhwar,J.)