



2026:AHC:23821

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1583 of 2026

Asfa Jafri

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Kumar Srivastava, Shweta Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Alok Kumar Srivastava, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.

2. The case of the writ petitioner is that the writ petitioner was appointed as Urdu Translator-cum-Junior Clerk on 06.03.1995. It is also the case of the writ petitioner that he was accorded benefits pursuant to the Government Order dated 21.02.2007 whereby post completion of 12 years of service, the writ petitioner was entitled to be promoted on the post of Urdu Translator-cum- Senior Clerk in the Pay Scale of Rs. 4000-100-6000/- in the Grade Pay of Rs. 2400. The writ petitioner was promoted on 05.03.2008 and post granted the Pay Scale of Rs. 4000-100-6000 /- Thereafter, a notification came to be issued on 30.11.2011 according benefits post completion of 15 years to the Grade Pay of Rs. 2800. According to the writ petitioner, though the writ petitioner was accorded the said benefits, however, on 20.01.2026 taking away the said benefit, an order came to be passed by District Development Officer, Kanpur Nagar. Learned counsel for the writ petitioner submits that the said benefits have now been taken away behind the back of the writ petitioner without putting to notice the writ petitioner. Submission is that it was a case of fraud, concealment or misrepresentation.

3. Learned Standing Counsel, on the other hand, submits that it is always open for the employer to correct the errors if they have crept in, however, according to him, it is not forthcoming from the order impugned that the writ petitioner have been put to notice.

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

record.

5. Apparently, the order dated 20.01.2026 passed by the District Development Officer, Kanpur Nagar, third respondent is behind the back of the writ petitioner. In **Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154** wherein the following was observed.-

"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. Looking into the overall fact situation and the stand taken by the respective parties, this Court without delving any further is disposing of the writ petition in the following terms.-

(a) the order dated 20.01.2026 passed by third respondent, District Development Officer, Kanpur Nagar is set aside; (b) writ petitioner shall prefer a comprehensive representation along with the self attested copy of the present petition and certified copy of the order passed today by **20.02.2026**; (c) on the said motion, the third respondent, District Development Officer, Kanpur Nagar pass a fresh order strictly in accordance with law within a period of two months.

7. With the above observation, the present petition stands **disposed of**.

February 4, 2026

Rajesh

(Vikas Budhwar,J.)