



2026:AHC:25183

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1709 of 2026

Jawahar Ram

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashok Kumar Rai, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.

2. The case of the writ petitioner is that the writ petitioner was initially appointed on compassionate ground as Junior Clerk on 26.08.1996 and thereafter he was promoted as Senior Clerk on 21.11.2007, however, according to the writ petitioner, service benefits were accorded to the writ petitioner, but by virtue of order dated 23.12.2025 passed by the Block Development Officer, now recovery has been sought to be made of an amount of Rs.8,84,508/- for the benefits which have been accorded to the writ petitioner on 22.11.2013 to 30.11.2025.

3. Questioning the order dated 23.12.2025 as well as recovery order, the present writ petition has been preferred.

4. Learned counsel for the writ petition has sought to argue that the order impugned cannot be sustained for the simple reason that the same is in violation of principles of natural justice and the petitioner has not been put to notice and the entire action is unilateral behind the back of the writ petitioner. It is also submitted that it is not a case of fraud, concealment or misrepresentation.

5. Learned Standing Counsel on the other hand submits that it is always open for the respondent to correct the errors, however, it is not forthcoming from the order impugned that the writ petitioner has been put to notice.

6. I have heard the submissions so made across the Bar and perused the record.

7. Plainly and simply, the allegation of the writ petitioner is that he has not been put to notice before passing of the order impugned. 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."

8. 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.

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

(a) The order dated 23.12.2025 passed by the Block Development Officer, Block-Bhadaura, District Ghazipur and 14.01.2026 passed by District Development Officer, Ghazipur are set aside.

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

10. For facilitating early disposal, the party shall furnish a comprehensive representation along with the self-attested copy of the writ petition before the concerned authority, who shall proceed to decide the said proceeding with most expedition. Thereafter the latter shall put to notice the writ petitioner fixing 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 a fresh order shall be passed within a period three months from the date of presentation of the certified copy of the order.

11. Any amount recovered shall be subject to final orders to be passed post remand.

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

February 5, 2026

N.S.Rathour

(Vikas Budhwar,J.)