



2026:AHC:24277

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 435 of 2026

Abhishek Parashar

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

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

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Santosh Kumar Rai, learned counsel for the petitioner and Sri Rahul Malviya, learned Standing Counsel, who appears for State-respondents.

2. This court entertained this petition on 19.01.2026 while directing the learned Standing Counsel to obtain instructions and thereafter the matter was fixed for today. Instructions have been supplied by Sri Rahul Malviya, 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 petitioner is that he was appointed as a Gram Vikas Adhikari on 21.02.2018 in Block-first Kon, District Mirzapur and thereafter he was transferred from one place to another. While the writ petitioner was performing the duties as Gram Vikas Adhikari owing to certain allegations regarding irregularity alleged to have been committed by the writ petitioner and the other officers who are present therein, a three member committee stood constituted and based upon the report submitted by the three member committee and order dated 08.12.2025 came to be passed by Deputy Commissioner, Labour and Employment, Mirzapur seeking to recover the alleged losses sustained by the State to the tune of Rs. 24,000/-. Thereafter according to the writ petitioner on 17.12.2025, the recovery order came to be passed by the Block Development Officer, Block- Kon, District Mirzapur.

4. Questioning the orders dated 08.12.2025 and 17.12.2025, the writ petitioner has been filed the present writ petition.

5. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that based upon the report of a three member committee without show causing the writ petitioner, the impugned orders have been passed seeking to recover the said amount. Submission is that there is a procedure infirmity that once an adverse order entailing the civil consequences are passed then the writ petitioner being an affected party against whom recovery is made is to be noticed. Further submission is that the entire allegation is against Khand Vikas Adhikari/ Karyakram Adhikari etc., however, the writ petitioner has been fasten with the liability.

6. Learned Standing Counsel as per the instructions received submits that a show cause notice came to be issued on 13.11.2024, however, the writ petitioner did not tender reply and thereafter the order impugned came to be passed.

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 happens to be a Gram Vikash Adhikari and owing to a complaint, a three member committee constituted which tendered its report and based upon the same, the order dated 08.12.2025 and 17.12.2025 came to be passed. Though it is the stand of the learned Standing Counsel that a show cause notice came to be issued on 13.11.2024 but there is no recital in the order impugned that despite service of the notice upon the writ petitioner, the writ petitioner did not tender reply. Further the instructions dated 02.02.2026, para-5 though speaks about the notice dated 13.11.2024 but there is nothing on record to show as to when the date, the said notice came to be served in that regard. Since it is not forthcoming from the order impugned that the writ petitioner has been served with the show cause notice along with a copy of the three member committee, thus, the entire action is not in accordance with law. The same is a violation of principles of natural justice.

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

(a). The impugned order dated 08.12.2025 passed by Deputy Commissioner,

Labour and Employment, Mirzapur as well as order dated 17.12.2025 passed by the Block Development Officer, Block- Kon, District Mirzapur are set aside.

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

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

11. Instructions filed today are taken on record as marked as appendix 'X'.

February 4, 2026

Ashu

(Vikas Budhwar,J.)