



2026:AHC:21907

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1322 of 2026

Munna Lal

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Mishra, Utkarsh Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Utkarsh Tripathi, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.

2. Sri Manish Kumar, learned Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed as Sub Inspector who superannuated on 31.12.2024. It is also the case of the writ petitioner that on 21.10.2024 after examination by the District Level Committee constituted as per the order of the Police Headquarters, Lucknow. The salary of the writ petitioner which was determined on 20.07.2024 being Rs. 58,600/- was found to be correct. However, according to the writ petitioner, post retirement two orders came to be passed one on 30.07.2025 and another on 10.09.2025 whereby the re-fixation and recovery has been sought to be made. Learned counsel for the writ has submitted that the entire exercise so undertaken to the detriment of the writ petition is behind the back of the writ petitioner unilaterally without putting to notice the writ petitioner. It is also the fundamental of the writ petitioner that already the respondents had undertaken an exercise pursuant where to was found that there is no illegality. However, without putting to notice and there being any allegation of fraud, concealment or misrepresentation, the recovery is being sought to be made and re-fixation has been done. Learned counsel for the writ petitioner submits that the order impugned cannot be sustained.

4. Learned Standing Counsel, on the other hand, submits that whatever might be it is always open for the employer to correct all the errors, however, opportunity of hearing is a must and condition precedent.

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

6. Apparently, the allegation of the writ petitioner is that the entire exercise is sought to be undertaken for re-fixation and recovery is behind the back without putting to notice to the writ petitioner. It is also the case of the writ petitioner that there has been no fraud concealment or misrepresentation. In the opinion of the Court, though the respondents are at liberty to correct the error which has crept in but proprietary demand that the writ petitioner or the affected parties to be put to notice. Since the said exercise is lacking, thus, the order impugned cannot be sustained.

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

(a) the order dated 03.07.2025 and 10.09.2025 passed by SSP Etah are set aside;

(b) matter stands remitted back to the authority to pass a fresh order after putting to notice to the writ petitioner.

8. With the aforesaid observations, the writ petition stands **allowed**.

(Vikas Budhwar,J.)

February 2, 2026

Rajesh