



2026:AHC:27779

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 1741 of 2026**

Lokman Singh

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

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|---------------------------|---|-----------------------------|
| Counsel for Petitioner(s) | : | Ganesh Mishra, Varun Mishra |
| Counsel for Respondent(s) | : | C.S.C.                      |

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**With**

**WRIT - A No. - 12525 of 2025**

Lokman Singh

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

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|---------------------------|---|-----------------------------|
| Counsel for Petitioner(s) | : | Ganesh Mishra, Varun Mishra |
| Counsel for Respondent(s) | : | C.S.C.                      |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri K.K. Mishra (AoR A/K0083/12) holding brief of Sri Ganesh Mishra, learned counsel for the writ petitioner in the leading and connected writ petitions and Sri S.K. Pal, learned Additional Chief Standing Counsel for the State.

2. The case of the writ petitioner is that the writ petitioner was appointed as Malaria Inspector in the Pay Scale of Rs. 3200-85-4900 on 22.05.2004 under dying-in-harness rules. The writ petitioner came to be transferred from one place to another. He was accorded first ACP on 06.06.2014 in the Pay Scale of Rs. 2800/- and post completion of 16 years of service, he was accorded second ACP being Grade Pay of Rs. 4200/-. However, it appears that on 18.06.2025, the Additional Director, Malaria and V.B.D., U.P., Lucknow proceeded to issue a communication dated 18.06.2025 requiring the later to correct the errors which had crept in with regard to the fact that the first ACP ought to have been Grade Pay of Rs. 2400/- in

place of Rs. 2800 and second ACP being Rs. 2800/- in place of Rs. 4200/- . The said communication dated 18.06.2025 was subject matter of challenge in the connected writ petition which came to be entertained on 27.08.2025 requiring the respondents to file counter affidavit in which counter and rejoinder affidavits have been exchanged between the parties and thereafter on 16.01.2026, the Chief Medical Officer, Etah proceeded to pass a consequential order taking away the benefits which were accorded to the writ petitioner.

3. Questioning the same, the leading writ petition has been preferred and post passing of the orders, the connected and the leading writ petition are before this Court.

4. Learned counsel for the writ petitioner has submitted that the order dated 18.06.2025 as well as the impugned order dated 16.01.2026 passed by the Chief Medical Officer, Etah cannot be sustained as the same are in violation of principles of natural justice, the writ petitioner has not been put to notice the entire action is unilaterally behind the back of the writ petitioner and further no recovery whatsoever could have been directed to be made particularly, when it is not a case of fraud, concealment or misrepresentation.

5. Learned Additional Chief Standing Counsel on the basis of the instructions submits that though there happens to be a general order passed on 18.06.2025 but consequential orders came to be passed on 16.01.2026. According to him, in case, it is the grievance of the writ petitioner that he has not been heard, post hearing will be accorded to the writ petitioner.

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

7. Apparently, the dispute is with regard to the grant of first ACP Grade Pay of Rs. 2800/- in place of Rs. 2400/- and second ACP Grade Pay 4200/- in place of Rs. 2800/-. A general order came to be passed by the State Government on 18.06.2025, however, the grievance of the writ petitioner is whether the said Government Orders stood applicable are not a question which needs to be decided only after putting to notice the writ

petitioner, thus, according to him, the writ petitioner ought to have been heard before passing of the order dated 16.01.2026 passed by the Chief Medical Officer, Etah. 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 p.m. 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. Accordingly, the writ petition is being decided in the following terms.-

the writ petitioner shall prefer a comprehensive representation along with self attested copy of the writ petitioner and certified copy of the order before the Chief Medical Officer, Etah by **13.03.2026** and on the said motion, a date shall be fixed by the Chief Medical Officer, Etah and thereafter, post hearing the writ petitioner, order shall be passed. Any recovery so sought to be made against the writ petitioner and re-fixation shall be subject to the further orders to be passed in that regard.

9. With the aforesaid observations, the writ petitions stand **disposed of**.

10. Rejoinder affidavit filed today are taken on record.

**(Vikas Budhwar,J.)**

**February 9, 2026**  
Rajesh