



2026:AHC:42567

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2851 of 2026

Subhash Chandra

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Harish Chandra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Harish Chandra, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed as a Constable on 21.12.1984, thereafter he was promoted as Head Constable and Sub-Inspector and superannuated on 30.06.2024. According to the writ petitioner, without putting to notice to the writ petitioner, post-retirement now re-fixation has been done by virtue of the order dated 03.07.2024 and consequential recovery has been directed to be made on 06.08.2024. Learned counsel for the writ petitioner submits that the order impugned cannot be sustained and the same is in violation of principles of natural justice, as the writ petitioner has not been put to notice. Reliance has been placed in the case of *State of Punjab vs. Rafique Masih (White Washer)* reported in (2015) 4 SCC 334 and *Thomas Daniel Vs. State of Kerala and others*, (2022) LiveLaw (SC) 438.

3. Learned Standing Counsel on the other hand submits that whatever might be, the orders which are subject matter of challenge, are of July 2024 and the petition has been presented before this Court in the month of February 2026. According to him, the writ petitioner may represent his cause before Respondent no.2.

4. Considering the submissions so made across the Bar, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.2 by 13.03.2026, who on the said motion shall issue a show cause notice to the writ petitioner and

after considering the reply of the writ petitioner, shall pass an order strictly in accordance with law within a period of two months, thereafter. Any recovery or refixation of salary shall be subject to the final orders to be passed.

February 25, 2026

N.S.Rathour

(Vikas Budhwar,J.)