



2026:AHC:27671

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1864 of 2026

Praveen Kumar Saxena

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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|---------------------------|---|----------------------------|
| Counsel for Petitioner(s) | : | Mahesh Kumar, Ramesh Kumar |
| Counsel for Respondent(s) | : | C.S.C.                     |

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**Court No. - 33**

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

1. Heard Sri Ramesh Kumar, learned counsel for the petitioner and Sri B.K. Srivastava, learned Standing Counsel, who appears for State-respondents.
2. Instructions have been supplied by Sri B.K. Srivastava, 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 on the post of Gram Panchayat Adhikari on 01.02.1993 and thereafter the writ petitioner was promoted on the post of Assistant Development Officer, Panchayat Raj on 19.07.2021. According to the writ petitioner, certain benefits relating to ACP came to be accorded to the writ petitioner on 17.02.2023. However, the said benefits were being taken away behind the back of the writ petitioner and consequential recovery of amount of Rs.13,16,522/- is sought to be made by virtue of an order passed by the District Panchayat Raj Officer dated 06.01.2026.
4. Questioning the same, the writ petitioner has been filed the present writ petition.
5. Learned counsel for the writ petitioner has submitted that the orders impugned cannot be sustained that the same is behind the back of the writ petitioner in violation of principles of natural justice without putting to notice the writ petitioner and it is not a case of fraud, misrepresentation or

concealment. Reliance has been placed upon the judgment in Hon'ble Apex Court in ***Bhagwan Shukla vs. Union of India and others; (1994) 6 SCC 154.***

6. Sri B.K. Srivastava, learned Standing Counsel on the other hand submits that the matter needs to be revisited, particularly, when the writ petitioner has not been put to notice, according to him, the order dated 06.01.2026 be set aside and the matter be remitted back to authority to pass fresh orders.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Apparently, the allegation of the writ petitioner is that the order dated 06.01.2026 is in violation of principles of natural justice and the writ petitioner has not been put to notice. The said fact has not been disputed by Sri B.K. Srivastava, learned Standing Counsel, according to him, the order be set aside and the matter be remitted back to authority to pass fresh orders.

9. The Hon'ble Apex Court in ***Bhagwan Shukla (supra)*** 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."*

10. 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.

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

(a). The impugned order dated 06.01.2026 passed by the respondent no.3, District Panchayt Raj Officer, Budaun is set aside.

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

12. Sri B.K. Srivastava, learned Standing Counsel submits that the show cause notice shall be issued to the writ petitioner by in the second week of March, 2026 and the writ petitioner shall tender his reply within a period of 15 days and final order be passed within a period of two months thereafter.

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

**February 9, 2026**

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**(Vikas Budhwar,J.)**