



2026:AHC:27916

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 9285 of 2025

Jayvir Singh Dhama

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

With

WRIT - A No. - 1753 of 2026

Jayvir Singh Dhama

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vijay Pratap Singh, 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 he was appointed on the post of Constable in PAC in the year 1994 and thereafter, he was promoted on the post of Sub Inspector and he superannuated on 28.02.2025. A recovery order came to be passed on 05.06.2025 requiring the writ petitioner to deposit an amount of Rs. 8,55,800/-.

3. Questioning the recovery order, the writ petitioner has preferred the leading writ petition. However, during the pendency of the leading writ petition, now an order came to be passed on 14.05.2025 re-fixing the pay scale/salary of the writ petitioner to the detriment of the writ petitioner. Questioning the same, the connected writ petition has been preferred.

4. Learned counsel for the writ petitioner has sought to argue that the order recovering the said amount which is subject matter of challenge in the leading writ petition as well as the order whereby re-fixation has been done to the detriment of the writ petitioner is in violation of the principles of natural justice as the same is unilateral exercise behind the back of the writ petitioner without putting to notice the writ petitioner. Submission is that no recovery whatsoever could have been instituted particularly when it is not a case of fraud, concealment or misrepresentation and strength has been drawn from the judgment of the Hon'ble Apex Court in **State of Punjab Vs. Rafiq Masih (White Washer), 2015 (4) SCC 334** and **Thomas Daniel Vs. State of Kerala and others, (2022) LiveLaw (SC) 438**.

5. Learned Additional Chief Standing Counsel on the basis of the instructions so received by him submits that though it is always open for the employer to rectify the error while making rectifications in the pay scale/salary and to recover but proprietary demanded that the writ petitioner ought to have been put to notice.

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

7. Apparently, the bone of contention is whether from the writ petitioner, recovery and pay fixation could have been done to the detriment of the writ petitioner in unilateral manner or not. The answer to the same is no. Once, an order entailing civil consequences is passed then the same should be after putting to notice. Since here re-fixation as well as recovery is being made behind the back, thus, the order impugned cannot be sustained in the additional and redeeming feature that it is not the case of fraud, concealment or misrepresentation.

8. Accordingly, the writ petitions are being decide in the following manner.-

(a) the order dated 05.06.2025 passed by Drawing and Disbursing Officer, Police Headquarters, Gautam Budhnagar as well as the order dated 14.05.2025 cannot be sustained and they are set aside;

(b) passing of the said order would not preclude the respondents to conduct a fresh exercise strictly in accordance with law after putting to notice the writ petitioner.

9. With the aforesaid observation, the writ petitions stand disposed of.

(Vikas Budhwar,J.)

February 9, 2026
Rajesh