



2026:AHC:53583

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3568 of 2026

Ashok Kumar Saxena

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Akshay Kumar Shukla, Ravindra Pal Singh Kashyap
Counsel for Respondent(s)	: C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri R.P.S. Kashyap, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed on the post of Gram Panchayat Adhikari on 04.02.1993 and he is to superannuate on 13.06.2026 however, by virtue of the order dated 01.01.2026 the benefit which have been accorded to the writ petitioner in the form of ACP are being sought to be taken away by the order of the District Panchayat Raj Officer, Budaun. Learned counsel for the writ petitioner submits that order impugned cannot be sustained, the same is in violation of principles of natural justice as the writ petitioner had not been put to notice, it is not the case of fraud, concealment and misrepresentation. Reliance has been placed upon the Supreme Court judgment in **Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154.**

3. Learned Standing Counsel, on the other hand, submits that whatever might be, it is always open for the respondents to rectify the errors, however, he submits that from the order impugned, it is not forthcoming that the writ petitioner was put to notice or it is a case of fraud, concealment or misrepresentation.

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

5. Facts are not in issue. It is not in dispute that the writ petitioner was extended certain benefits which according to the respondents could not

have been granted. It is not forthcoming from the order impugned that the writ petitioner was put to notice and further it is the case of fraud, concealment or misrepresentation. In **Bhagwan Shukla (supra)**, 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 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."

6. Since the writ petitioner has not been heard and it is not forthcoming from the order impugned that it is a case of fraud concealment or misrepresentation, thus, the order impugned cannot be sustained.

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

(a) the order dated 10.01.2026 passed by the District Panchayat Raj Officer, District Budaun is set aside; (b) matter stands remitted back to the authority to pass a fresh order.

8. At this stage Sri R.S. Umrao, learned Standing Counsel submits that the show cause notice shall be issued by **17.04.2026**, the writ petitioner to submit his reply by **30.03.2026** and the order be passed within a period of three months. Any recovery be made shall be subject to the final orders to be passed.

9. With the aforesaid observations, the writ petition stands **disposed of**.

(Vikas Budhwar,J.)

March 16, 2026
Rajesh