



2026:AHC:59868

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3935 of 2026

Krishan Pal Singh

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anupam Dubey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Vide order dated 31.05.2025 passed by the Assistant Police Commissioner, Gautam Budhnagar, order of recovery was passed against the petitioner. Aggrieved with the aforesaid order, the petitioner preferred Writ A No.15067 of 2025 which was disposed of by this Court vide order dated 07.10.2025. The aforesaid order reads as follows:-

1. Heard Sri Ramesh Chandra Tiwari, learned counsel for the writ petitioner and Sri Vishal Singh, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed as a Constable Civil Police on 15.10.1989 and promoted as Head Constable in the year 2013 and further promoted as Sub Inspector in the year 2015 thereafter, he superannuated on 30.06.2025. Though orders were also passed for payment of post retiral benefits, however, on 31.05.2025 without any basis whatsoever the salary of the writ petitioner was deducted vide amendment order passed by the Police Commissioner, Gautam Budhnagar i.e. from Rs. 64,100/- while fixing it to be Rs. 56,900/- with effect from 01.07.2025 that too without putting to notice to writ petitioner. Learned counsel for the writ petitioner has submitted that in case, the salary or the pay scale was erroneously accorded to the writ petitioner and the same need alteration then opportunity of hearing ought to have been accorded which has not been done. Attention has been

invited towards paragraph no. 18 of the writ petition.

3. Prayer in the present petition is for quashing of the order dated 31.05.2025 passed by the Assistant Police Commissioner, Gautam Budhnagar and for a direction to accord basic pay scale of Rs. 64,100/- and to pay the amount of Rs. 8,19,674/- which have been illegally recovered.

4. Learned Standing Counsel, on the other hand, submits that it is a matter of policy of the State Government that whenever there is any alteration in the pay scale or salary then opportunity of hearing is to be accorded and here it is not forthcoming from the order dated 31.05.2025 which appears to be an order of a committee but it is not clear whether the writ petitioner was put to notice. According to him, the writ petitioner would be accorded opportunity of hearing and an appropriate decision would be taken in this regard.

5. Looking into the overall fact situation and the stand taken by the respective parties, this Court without delving any further is disposing of the writ petition in the following terms.-

(a) the writ petitioner shall prefer a comprehensive representation along with the self attested copy of the present petition and a certified copy of the order passed today by 17.10.2025, on the said motion, the fifth respondent, Assistant Police Commissioner, District Gautam Budhnagar shall fix a date for putting to notice the writ petitioner and hear him after due communication; (b) on the date so fixed, hearing be done and the writ petitioner may also if necessitated ask to submit certain documents or provide inputs and thereafter orders be passed within a period of two months; (c) till fresh orders are passed, no coercive action shall be taken against the writ petitioner; (d) any amount so deducted shall be subject to the final orders to be passed in that regard.

6. With the above observation, the present petition stands disposed of.

2. Pursuant to the aforesaid order, a representation has been submitted by the petitioner on 04.11.2025. Thereafter notice was issued by the Assistant Police Commissioner, (Headquarters/Establishment) Commiserate Gautam Budhnagar/respondent No.4 on 10.12.2025 by which the petitioner was directed to submit his explanation within seven days. Pursuant to the aforesaid notice, the petitioner submitted his reply before him on 22.12.2025.

3. It is argued by learned counsel for the petitioner that without considering the reply submitted by the petitioner, the order dated 15.01.2026 was passed by the respondent No.4 by which the representation submitted by the petitioner was rejected. It is argued that aforesaid order has been passed in complete violation of the law laid down by the Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer) & Others reported in (2015) 4 SCC 434.***

4. Heard learned counsel for the parties and perused the record.

5. From perusal of the record, it is clear that in the order dated 07.10.2025 passed by the Writ A No.15067 of 2025, this Court has given specific direction to the respondents that fixed the date of hearing and heard the petitioner on the said date but while passing the order impugned, no opportunity of hearing was provided to the petitioner and the order impugned has been passed not only in complete violation of principles of natural justice but also in complete violation of direction given by this Court which is contemptuous in nature.

6. Matter requires consideration.

7. All the respondents are granted six weeks time to file counter affidavit.

8. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

9. List thereafter.

10. Until further orders of this Court, effect and operation of the order dated 15.01.2026 & 31.05.2026 passed by the Assistant Police Commissioner, (Headquarters/Establishment) Commiserate Gautam

Budhnagar/respondent No.4 shall remain stayed.

(Prakash Padia,J.)

March 23, 2026
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