



2026:AHC:33347

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2226 of 2026

Narendra Kumar Gautam

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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|---------------------------|---|-------------------------------------|
| Counsel for Petitioner(s) | : | Anand Mohan Pandey, Prabhakar Singh |
| Counsel for Respondent(s) | : | C.S.C.                              |

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**Court No. - 33**

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

1. Heard Sri Anand Mohan Pandey, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.
2. Sri Manish Kumar, learned Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that while the writ petitioner was posted as Assistant Sub Inspector, a show cause notice came to be issued on 06.02.2025 show causing the writ petitioner as to why recovery be not made with regard to wrong fixation of salary of the Police employee. The writ petitioner submitted a request letter dated 19.02.2025 seeking one month time for giving reply to the show cause notice, however, by virtue of the order dated 26.02.2025, the SSP, Mathura has proceeded to negate the claim of the writ petitioner while imposing punishment of recovery of an amount of Rs. 5,13,225/-.
4. Questioning the said order, the present writ petition has been preferred.
5. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for the simple reason that there has been violation of principles of natural justice. Submission is that though the show cause notice dated 06.02.2025 was served upon the writ petitioner and the writ petitioner had to tender reply by 20.02.2025 but the writ petitioner prior

to it on 19.02.2025 has sought one month further time to give an effective reply, however, the said request was at no point of time rejected while passing a separate order, however, the writ petitioner came to know about the rejection of the said request by virtue of the impugned order by which recovery has been made. Learned counsel for the writ petitioner, thus, submits that the order impugned be set aside, matter be remitted back to the authority to pass a fresh order.

6. Learned Standing Counsel, on the other hand, submits that the writ petitioner is responsible for the position which he has created and he has to face the music, however, according to him, proprietary demanded that separate order rejecting the request for extension of time ought to have been passed.

7. I have heard the submission made and perused the record.

8. Facts are not in issue. It is not in issue that on 06.02.2025 a show cause notice was issued to the writ petitioner to show cause while fixing the last date to submit reply by 20.02.2025. The writ petitioner on 19.02.2025 sought one month time to give reply, however, the order impugned came to be passed on 26.02.2025. As a matter of fact, once a request has been made for extension of time then the respondents have the legal obligation to pass a separate order rejecting the request so that the writ petitioner may respond to the show cause notice on the basis of documents available. The said exercise is thoroughly lacking as the order rejecting the request is implicit and in the self same order of imposition of punishment, thus, the order impugned cannot be sustained.

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

(a) the order dated 26.02.2025 passed by Senior Superintendent of Police, Mathura is set aside;

(b) the writ petitioner shall submit his reply by 27.02.2026;

(c) the order shall be passed by 31.03.2026.

10. With the aforesaid observation, the writ petition stands **disposed of**.

**February 16, 2026**

N.S.Rathour

**(Vikas Budhwar,J.)**