



2026:AHC:29467

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 5016 of 2025

Ratan Lal

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Irfan Ahmad Malik
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Irfan Ahmad Malik, learned Senior Counsel for the petitioner in the leading as well as connected Writ-A No. 1824 of 2026 (Ratan Lal vs. State of U.P. and others) and Sri S.K. Pal, learned Chief Standing Counsel for the respondents.

2. A statement has been made by learned counsel for the parties that they do not propose to exchange further affidavits and that the writ petitions may 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 petitioner is that he was appointed in the year 1990 as Seech Paryavekshak and retired on 31.07.2024. After his retirement, an order dated 25.03.2025 came to be passed by the Executive Engineer, Middle Ganga Canal Construction Division-10, Bulandshahr whereby the pay of the petitioner was re-fixed and his basic pay was reduced from Rs. 56,900/- to Rs. 53,600/- w.e.f. 01.01.2024.

4. Questioning the said order, the leading writ petition was filed in which an interim order dated 21.04.2025 was passed. Counter affidavit has been filed by respondent nos. 1, 2 and 3.

5. The case of the petitioner is that consequent to the re-fixation, his gratuity and other post-retirement benefits have not been paid. Hence, a connected writ petition has also been filed, which is also being heard along with the leading writ petition.

6. Learned counsel for the petitioner submits that no departmental proceedings were either contemplated nor pending against the petitioner at the time of his retirement. Therefore, it is not open to the respondents to withhold the post-retiral benefits and pension of the petitioner. It is further submitted that though the re-fixation of salary was carried out on 25.03.2025, i.e., after the retirement of the writ petitioner on 31.07.2024, the said re-fixation order has been stayed in the leading writ petition; hence, the writ petitioner is entitled to all consequential retiral benefits.

7. Per contra, learned Chief Standing Counsel submits that the re-fixation was carried out on the basis of an undertaking dated 30.01.2017 said to have been given by the petitioner. However, he fairly submits that a notice would be issued to the petitioner and a final order may be passed after considering his reply.

8. I have heard learned counsel for the parties and perused the record carefully.

9. The facts are not in issue. It is also not in issue that the writ petitioner was holding a Group-C post and superannuated on 31.07.2024. The stand of the respondents is that on the basis of an undertaking submitted on 30.01.2017, the re-fixation has been carried out. The writ petitioner disputes the said undertaking, however, he submits that even otherwise, the writ petitioner is disputing the quantum of recovery and re-fixation. In the opinion of the Court, the writ petitioner ought to have been put to notice.

10. Since it is the stand of the learned Standing Counsel that a notice will be issued to the writ petitioner, thus the writ petition is being decided in the following manner:-

A. The petitioner shall file a comprehensive representation along with a self-attested copy of the leading and connected writ petitions and copies of the affidavits before 11.03.2026 before the respondent no. 3/ Executive Engineer, Middle Ganga Canal Construction Division-10, Bulandshahr.

B. Upon receipt of the representation, the competent authority shall issue a detailed show-cause notice to the petitioner, enclosing all documents relied upon, including the alleged undertaking and inspection report.

C. The petitioner shall submit his reply within the time stipulated in the notice.

D. Thereafter, a reasoned and speaking order shall be passed in accordance with law with regard to (i) the refixation of pay and (ii) release of post-retirement benefits including gratuity.

E. The entire exercise shall be completed within a period of three months from today.

11. With the aforesaid observations and directions, both the writ petitions stand **disposed of**.

February 10, 2026
Sushma

(Vikas Budhwar,J.)