



2026:AHC:42628

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2865 of 2026

Mohd Aftab Alam And 5 Others

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Kumar Srivastava, Shweta Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Alok Kumar Srivastava, learned counsel for the petitioner and Sri B.K. Srivastava, learned Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Sri B.K. Srivastava, learned Additional Chief learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition 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 petitioners, who are six in number, is that petitioner no. 1 was appointed as Urdu Translator-cum-Junior Clerk on 04.09.1995, petitioner no. 2 on 14.03.1995, petitioner no. 3 on 18.05.1995, petitioner no. 4 on 15.03.1995, petitioner no. 5 on 06.06.1995 and petitioner no. 6 on 22.03.1995. As per the petitioners, in pursuance of the Government order dated 21.02.2007, after completion of 12 years of satisfactory service, the employees were entitled to be promoted on the post of Urdu Translator-cum-Senior Clerk on the pay scale of 4000-100-6000/- and the new grade pay of 2400/-. A notification was also issued on 30.11.2011, wherein the erstwhile designation of post Urdu Translator cum Senior Clerk was abolished and new designation was carved out being Urdu Translator-cum-Senior Assistant post completion of 15 years in grade pay of Rs. 2800/-. On 13.02.2013,, the respondent no. 1 issued a Government order, wherein the Government order dated 30.11.2011 was clarified and it was provided that those who were

appointed on direct recruitment would get the benefits, post completion of 15 years of satisfactory service of Urdu Translator-cum-Junior Assistant with Grade pay of Rs. 2800/- in pursuance of the Government order, the Urdu Translator-cum-Junior Assistant became entitled for the benefits of ACP. That on 15.02.2025, respondent no. 1 issued a circular, wherein benefits of Government earlier order dated 13.02.2012 was clarified and it was provided that firstly, after completion of 10 years of service, the Urdu Translator-cum-Junior Assistant were entitled for ACP in the grade pay of Rs. 2400/- and the designation in the promotion category as Urdu Translator-cum-Senior Assistant after getting the first promotion post completion of 15 years of satisfactory service with grade pay of Rs. 2800/-, and thirdly, the special provision with regard to those employees who were given the benefits by virtue of Government order dated 21.02.2007 and were designated as Urdu Translator-cum-Senior Clerk were entitled for second ACP after completion of 6 years. Thereafter, on 20.06.2016, another Government order came to be issued and the resolutions were also passed pursuant to the Government order dated 05.11.2014 on 30.10.2021 and 05.01.2022. It is also the case of the petitioners that they were accorded third ACP on 05.01.2022, however, according to the petitioners, by virtue of the impugned order dated 26-8-2025 passed by the District Development Officer, Prayagraj, the third ACP so accorded to the petitioners has been taken away.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. Learned counsel for the writ petitioner has submitted that the order impugned is in violation of principles of natural justice. There has been no opportunity accorded and the entire exercise is unilateral.

6. Learned Standing Counsel on the other hand submits that whatever might be as per the page 61 of the paper book, being a Government order dated 15-5-2025, the petitioners are not entitled to third ACP and it has been rightly withdrawn.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Apparently, on 05.01.2022, the petitioners were accorded a third ACP, however, now by virtue of the order impugned, the same has been withheld

and revoked.

9. On a pointed query being raised to the learned Standing Counsel whether the petitioners were put to notice, the answer is in negative. The order impugned also does not show that the petitioners was put to notice, as there is no recital about the said fact.

10. The Hon'ble Apex Court in ***Bhagwan Shukla vs. Union of India and others; (1994) 6 SCC 154*** had observed as under:

"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."

11. Since the petitioners were not put to notice, the order impugned cannot be sustained

12. Accordingly, the writ petition is being decided in the following manner:

(a). the writ petitioner shall file a certified copy of the order along with the self attested copy of the present petition before the District Development Officer, Prayagraj, fourth respondent by 13.03.2026; (b) on the said motion, the competent authority shall issue notice to the writ petitioner by 31.03.2023; (c) the writ petitioners shall tender their reply by 15.04.2026

and (d) the orders shall be passed by 30.06.2026.

13. Any refixation or recovery shall be subject to the final orders to be passed therein.

14. Accordingly, the writ petition stands **disposed of**.

February 25, 2026

Ashu

(Vikas Budhwar,J.)