



2026:AHC:29844

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1983 of 2026

Virendra Kumar

.....Petitioner(s)

Versus

The State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ambuj Maurya, Arya Gautam, Atipriya Gautam, Sr. Advocate
Counsel for Respondent(s)	: C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vijay Gautam, learned Senior Counsel assisted by Sri Ambuj Maurya (AoR A/A 1728/2023) holding brief of Ms. Atipriya Gautam, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.

2. Sri Jitendra Prasad, 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 he was appointed as Constable on 01.01.1984 in the U.P. Police Department and he was promoted as Head Constable in the year 2007 and he superannuated on 30.09.2023. However, post his retirement, now there has been re-fixation of the salary on 28.01.2024 and recovery order with effect from 01.10.2008 and the consequential recovery has been directed by the information provided under Right to Information Act on 09.12.2025. Learned Senior Counsel for the writ petitioner has sought to argue that the order impugned is in violation of principles of natural justice ex parte unilateral behind the back of the writ petitioner. Submission is that it is not the case of fraud, concealment or misrepresentation also. Reliance has been placed upon the decision in

Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154.

4. Learned Standing Counsel, on the other hand, submits that whatever might be it is always open for the employer to rectify the error which has crept in, however, according to him since the amount stands recovered and with the allegation of the writ petitioner that he has not been heard, the writ petitioner shall be heard and consequential orders shall be passed in that regard.

5. Considering the submission so made across the bar and after perusing the record, this Court is of the opinion that once an adverse order entailing civil consequences stands passed then the same should be after putting to notice the affect party. In **Bhagwan Shukla (supra)**, wherein 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. Accordingly, the writ petition is being decided in the following terms.-

(a) the writ petitioner shall prefer a comprehensive representation along with the self attested copy of the writ petition and certified copy of the order

before the Commandant, 8th Battalion, PAC Bareilly, District Bareilly by **27.02.2026** and on the said motion, the fourth respondent shall issue a show cause notice and seek explanation of the writ petitioner and thereafter pass a consequential orders within a period of two months, thereafter. (b) Any recovery so made and the orders dated 28.01.2024 and 09.12.2025 passed by fourth respondent shall be subject to the further orders to be passed. In case, post hearing, it is found that the amount is liable to be paid to the writ petitioner then the consequential orders to be passed therein.

7. In case fourth respondent is of the opinion that the matter needs to be decided by some other authority, then the papers be transmitted to the same.

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

February 11, 2026

Rajesh

(Vikas Budhwar,J.)