



2026:AHC:29881

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1986 of 2026

Mohd. Aslam Khan

.....Petitioner(s)

Versus

The State Of U.P. And 4 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 Rahul Malviya, learned Standing Counsel for the State.

2. Sri Rahul Malviya, 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 the writ petitioner was appointed as Urdu Translator on 12.05.1995 and he superannuated on 31.08.2024. According to the writ petitioner, after retirement, the provisional pension of Rs. 28,450/- and provisional gratuity of an amount of Rs. 11,33,022/- has been paid to the writ petitioner on 01.07.2024 and an amount of Rs. 1,25,891/- has been withheld. It is the case of the writ petitioner that the petitioner has been sanctioned provisional pension for the month of September, 2024 to August, 2025 and the last pension was given to the writ petitioner was for an amount of Rs. 44,090/-. It is also the case of the writ petitioner that since September, 2024 up till date, no pension has been paid to the writ petitioner and gratuity amount of Rs. 1,25,891/-,

10% of GPF amount has been paid to the writ petitioner. Post retirement, an amount of Rs. 210957/- has been directed to be deposited by the petitioner in lieu of excess payment of gratuity in that regard that at the time of retirement upto August, 2024, the last pay have been drawn by the writ petitioner Rs. 56,900/- basic pay plus allowance, net salary Rs. 86,990/-. That a notice came to be issued on 25.05.2025 by the third respondent, Superintendent of Police, Ghazipur, District Ghazipur with regard to re-fixation/modification of the petitioner's salary and the petitioner was given one week's time to submit his reply thereafter, the writ petitioner made an application on 28.05.2025 to provide more time and demanded certain documents. In para 16 of the writ petition, it has been asserted that despite letter dated 30.05.2025, documents were not submitted that on 10.06.2025, an order came to be passed by third respondent seeking to re-fix the salary and consequential recovery has also been directed to be made based upon re-fixation made from 01.07.2010.

4. Questioning the said order and the recovery so sought to be made being Rs. 2,10,957/-, the present writ petition has been preferred.

5. Learned Senior Counsel for the writ petitioner has sought to argue that once a show cause notice came to be issued to the writ petitioner which is Anneuxre-5 to the writ petition at page 40 of the paper book to which the writ petitioner had submitted an application on 30.05.2025 seeking furnishing of documents that the said documents ought to have been furnished and time ought to have been accorded so as to enable the writ petitioner to give an effective reply. Submission is that there has been no consideration that there has been no consideration over the aspect of the matter.

6. Sri Rahul Malviya, learned Standing Counsel, on the other hand, submits that the order in fact, does not recite the fact that the writ petitioner was put to show cause notice and the writ petitioner sought reply and there is no orders rejecting the request or accepting the request or informing the writ petitioner that his request has been rejected and now

he has to submit his reply. He submits that the order impugned is set aside, matter be remitted back to the authority to pass a fresh order.

7. Having heard the submission so made across the bar and after perusing the record, this Court is of the opinion, once an adverse order against the affected party is being passed then obviously documents should be furnished and, in case, they are not to be furnished for whatever reasons then a reason is to be recorded while communicating the affected party that the said documents cannot be furnished now he has to submit his reply since there is no consideration of the aforesaid aspect of the matter, thus, the order impugned cannot be sustained.

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

(a) the order dated 10.06.2025 passed by third respondent, Superintendent of Police, Ghazipur is set aside;

(b) matter stands remitted back to the authority to pass a fresh order in that regard;

(c) for facilitation, the writ petitioner shall prefer an application before the third respondent by **27.02.2026** reiterating his request for furnishing of the documents and, in case, the said documents are not to be furnished for whatever the valid reasons then a communication be made thereafter and thereafter, the writ petitioner shall submit his reply within a period of 15 days from the said intimation and the order shall be passed within a period of three months, thereafter. Any re-fixation or recovery shall be subject to the further orders to be passed post remand.

9. With the aforesaid observations, the writ petition stands disposed of.

(Vikas Budhwar,J.)

February 11, 2026

Rajesh