



2026:AHC:30686

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2053 of 2026

Alok Chand Sen - Sub Inspector

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Munesh Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Munesh Kumar, learned counsel for the petitioner as well as Sri V.K. Srivastava, learned Standing Counsel for the State.

2. Sri V.K. Srivastava, learned Standing Counsel submits that he does not propose to file any further affidavits and with the consent of parties, the writ petition is being decided at the admission stage itself.

3. The case of the petitioner is that he was appointed on the post of Constable on 01.11.1985. Thereafter, he was granted the first promotion scale on 19.9.2000 upon completion of the requisite period of service. Subsequently, after completion of 19 years of service, he was extended the benefit of the third Assured Career Progression (ACP).

4. It is the case of the petitioner that the aforesaid benefits were being regularly extended to him; however, a notice dated 23.12.2025 was issued requiring him to submit a reply as to why recovery be not made on the ground of alleged wrong fixation of pay. The petitioner claims to have submitted his reply on 03.01.2026, which is on record at page 36 of the paper book.

5. However, without considering the said reply, the impugned order dated 12.01.2026 came to be passed by the Deputy Inspector General of Police/Senior Superintendent of Police, Saharanpur, directing re-fixation of salary and recovery of the

alleged excess amount paid to the petitioner.

6. Questioning the same, the present writ petition has been filed.

7. Learned counsel for the petitioner submits that the impugned order cannot be sustained inasmuch as despite submission of reply dated 03.01.2026, the impugned order wrongly records that the petitioner did not respond to the notice. It is thus contended that the order has been passed in violation of principles of natural justice and on an incorrect recital of facts.

8. Sri V.K. Srivastava, learned Standing Counsel submits that since the show cause notice had been issued and no reply was received within time, the impugned order was rightly passed.

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

10. Apparently, the notice dated 23.12.2025 granted only a short time to the petitioner. The petitioner claims to have submitted his reply on 03.01.2026 and the same bears acknowledgment. In such circumstances, this Court deems it appropriate that the reply, which the petitioner claims to have submitted, ought to have been duly considered before passing the impugned order.

11. Accordingly, the impugned order dated 12.01.2026 passed by the Deputy Inspector General of Police/Senior Superintendent of Police, Saharanpur, is hereby set aside.

12. Since the petitioner has already submitted his reply to the notice dated 23.12.2025, he shall file a self-attested copy of the present writ petition along with a certified copy of this order before the respondent no. 2/Deputy Inspector General of Police/Senior Superintendent of Police, Saharanpur by 27th February, 2026. The said authority shall consider the matter afresh and pass a reasoned and speaking order within a period of two months from the date of receipt of the certified copy of this order.

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

(Vikas Budhwar,J.)

February 11, 2026
Sushma