



2026:AHC:44482

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2955 of 2026

Satya Prakash Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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|---------------------------|---|------------------------------------------------------------------------------------------|
| Counsel for Petitioner(s) | : | Kripa Shankar Yadav, Mohammad Qais, Neha Rani, Pawan Kumar Yadav, Satyvendra Singh Yadav |
| Counsel for Respondent(s) | : | C.S.C.                                                                                   |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Satyvendra Singh Yadav, learned counsel for the writ petitioner and Sri Pramod Kumar Srivastava, learned Addl. Chief Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed as Sub-Inspector on 20.08.1986 and he is to superannuate on 31.12.2026. However, by virtue of the impugned order dated 08.10.2025 passed by the Senior Superintendent of Police, Aligarh, refixation has been done, on the basis of the audit objection.

3. Questioning the same, the present petition has been preferred.

4. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that the same is unilateral passed behind the back without putting the writ petitioner to notice. He seeks to rely upon the judgment in ***Bhagwan Shukla vs. Union of India and others; (1994) 6 SCC 154.***

5. Learned Addl. Chief Standing Counsel on the other hand submits that the order impugned though does not recite that the writ petitioner was put to notice, but according to him, it is always open for the employer to correct the error which have been committed. However, he submits that propriety demanded that the writ petitioner ought to have put to notice.

6. I have heard the submissions so made across the Bar and perused the

record carefully.

7. Apparently, by virtue of the order 08.10.2025 passed by the SSP, Aligarh, Respondent no.4, refixation has been done. It is not apparent from the order impugned that the writ petitioner was put to notice. It is also not apparent from the record that the writ petitioner has committed fraud, concealment or misrepresentation. The Hon'ble Apex Court in **Bhagwan Shukla (supra)** has 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."*

8. Since it is not forthcoming for the order impugned that the writ petitioner was put to notice thus this Court has no option but to set aside the order.

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

(a) The order 08.10.2025 passed by the SSP, Aligarh, Respondent no.4 is set aside.

(b) The matter be remitted back to authority to pass fresh orders.

10. For facilitating early disposal, the party shall furnish a comprehensive representation along with the self-attested copy of the writ petition before the concerned authority, who shall proceed to decide the said proceeding with most expedition. Thereafter the latter shall put to notice the writ petitioner fixing a date for hearing and in case, any input is required, then the same shall be submitted by the writ petitioner by way of application and a fresh order shall be passed within a period three months from the date of presentation of the certified copy of the order.

11. Any recovery made shall be subject to final orders to be passed.

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

**February 26, 2026**

N.S.Rathour

**(Vikas Budhwar,J.)**