



2026:AHC:35792

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2430 of 2026

Arjun Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Kumar Srivastava, Sandeep Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ajay Kumar Srivastava, 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 that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he was appointed on the post of Helper on 04.03.1991, promoted as Driver on 06.02.1996 in terms of the Government Order post completion of 9 years of service on vehicle drivers were accorded Grade-III and on completion of 15 years of service they were accorded Grade-I and after 18 years, they were also accorded benefits by virtue of the Government Order dated 29.04.2011. The writ petitioner was accorded Grade-2 benefits by order dated 13.10.2011 while according Rs.5200-20200 Grade Pay 2400 w.e.f. 11.05.2006. Thereafter on 31.11.2011, an office order was issued for pay-fixation and post completion of 18 years, the writ petitioner was accorded pay-scale of Rs.9300-34800 and in the year 2017, pay-fixation was also done. According to the writ petitioner, though he was accorded benefits from time to time and he superannuated on 30.06.2025, however, according to the writ petitioner, it appears that an order came to be passed on 30.07.2025, according to which

re-determination of the pay-scale / salary was done on the ground that the writ petitioner had been accorded benefit, which he was not entitled to. On 14.08.2025, an order came to be passed by Executive Engineer, Minor Irrigation Department, Jalaun at Orai seeking to recover an amount of Rs.289761/- and thereafter an order came to be passed on 29.12.2025 for deducting and recovering an amount of Rs.289761/- from the post-retiral benefits.

5. Questioning the said order, present petition has been preferred.

6. Learned counsel for the writ petitioner has submitted that the orders impugned are patently illegal and contrary to law besides being violation of justice, as the same are unilateral behind the back. Further submission is that post-retirement, the said recovery cannot be done. It is also contended that it is not a case of fraud, concealment or misrepresentation. Reliance has been placed upon the decision of the Hon'ble Apex Court in case of ***State of Punjab vs. Rafique Masih (White Washer)*** reported in (2015) 4 SCC 334 and ***Thomas Daniel Vs. State of Kerala and others***, (2022) LiveLaw (SC) 438.

7. Sri Rahul Malviya, learned Standing Counsel on the other hand submits that whatever might be, it is always open for the respondents to correct the errors and to recover the amount, however, according to him, propriety demanded that the writ petitioner ought to have been put to notice.

8. I have heard the submissions so made across the Bar and perused the records carefully. From the order impugned it is not forthcoming that the writ petitioner was put to notice. It is also not forthcoming that it is a case of fraud, concealment and misrepresentation.

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

(a) The writ petitioner shall prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.4, Executive Engineer, Minor Irrigation Department, Jalaun at Orai by 27.02.2026.

(b) On the said motion, the fourth respondent, Executive Engineer, Minor Irrigation Department, Jalaun at Orai shall issue a show cause notice, which shall be issued by the third week of March 2026.

(c) The writ petitioner shall tender reply to the same within a further period of two weeks and thereafter order shall be passed within a further period of two months.

(d) Till fresh orders are passed, no recovery shall be made from the writ petitioner and in case any recovery has been made, same shall be subject to further orders to be passed.

(e) Benefits of the order passed today shall only be available to the writ petitioner, provided he complies with the terms and conditions of the order passed today.

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

February 18, 2026

N.S.Rathour

(Vikas Budhwar,J.)