



2026:AHC:33429

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17844 of 2025

Meenakshi Saxena

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajnish Sahai Saxena
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rajnish Sahai Saxena, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. The case of the writ petitioner is that the husband of the writ petitioner namely Pushkar Kumar Saxena was appointed as Lab Assistant on 17.09.1988 and he died in harness on 28.04.2024. However, according to the writ petitioner, the husband of the writ petitioner was accorded first ACP on 25.09.2010 post completion of 14 years w.e.f. 17.09.2002. However, as per the writ petitioner, now an amount of Rs.14,57,457/- has been deducted from the gratuity of the writ petitioner.

3. Questioning the said act and omission of the respondents, the present writ petition has been preferred.

4. On 30.01.2026, instructions have been produced under the signatures of Chief Medical Officer Rampur dated 11.02.2026, according to which the benefits which were not extendable to the husband of the writ petitioner were extended and as per the respondents, a Committee was constituted, according to which in place of pay scale of Rs.3200-85-4500, husband of the writ petitioner was entitled to Rs.4000-100-6000 but the actual amount paid was Rs.4500-125-7000 and a report came to be submitted on 10.04.2024 and since the husband of the writ petitioner expired on 28.04.2024 so the said aspect was not communicated to the writ petitioner, and that is why recovery has been made. Learned counsel for the writ petitioner submits that there is nothing on record to show that the husband of the writ petitioner was put to notice and after considering the say of the writ petitioner, an order was passed. He submits that now post death of the

husband of the writ petitioner, the impugned deduction came to be made.

5. Learned Standing Counsel on the basis of the instructions submits that it is open for the employer to correct the errors while issuing show cause notice, but according to him, from the instructions, it is not forthcoming that the husband of the writ petitioner was put to notice.

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

7. Facts are not in issue. It is not in issue that husband of the writ petitioner was a Lab Assistant who died in harness on 28.04.2024. As per the instructions dated 11.02.2026 of the Chief Medical Officer, Rampur, a committee was constituted by the respondents on 16.02.2024, according to which benefits were accorded to the writ petitioner, which were not commensurate to the entitlement, particularly when on 17.09.2002 in place of the benefits to the tune of Rs.3200-85-4500, husband of the writ petitioner was accorded Rs.4500-125-7000 in place of Rs.4000-100-6000 and the Committee tendered his report on 10.04.2024, however, the husband of the writ petitioner was not put to notice and post his death, the recovery was made.

8. In the opinion of the Court, it is not forthcoming from the order impugned that it is not a case of fraud, concealment or misrepresentation and apart from the same, there is nothing on record, even to suggest that the writ petitioner was put to notice. Since now, the husband of the writ petitioner has already expired. Thus the Clock cannot be re-set in that regard.

9. Accordingly, the recovery could not have been made. Resultantly, writ petition is allowed. A mandamus is issued to the respondent no.2 to refund the amount of Rs.14,57,457/- within a period of three months.

10. Instructions filed today are taken on record and marked as Appendix 'A'.

February 16, 2026

N.S.Rathour

(Vikas Budhwar,J.)