



2026:AHC:28587

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1881 of 2026

Tarun Kumar Shandilya

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ankur Jee Srivastav, Deepak Kumar Jaiswal, Saurabh Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Saurabh Srivastava, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.
2. Sri Gaurav Singh, learned Standing Counsel has made a statement at Bar 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 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 Junior Clerk in the Internal Audit and Accounts Department and he was promoted as Senior Accounts Clerk in the year 2001, which has been merged and redesignated as Assistant Accountant. The writ petitioner thereafter was promoted to the post of Accountant in the year 2016 and superannuated on 31.07.2024. However, post retirement of the writ petitioner, now, refixation has been done that too behind the back of the writ petitioner in violation of principles of natural justice and according to the writ petitioner consequential recovery was also been made pursuant to an order dated 12.08.2025 passed by District Development Officer, Sant Kabir Nagar.
5. Questioning the aforesaid order, present writ petition has been preferred.

6. Learned counsel for the writ petitioner submits 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. Further submission is that it is not the case of fraud, concealment or misrepresentation.

7. Learned 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.

8. I have heard the submissions so made across the Bar and perused the record carefully.

9. Apparently, the order 12.08.2025 passed by the District Development Officer, Sant Kabir Nagar, do not show that the writ petitioner was put to notice. The Hon'ble Apex Court in ***Bhagwan Shukla vs. Union of India and others*; (1994) 6 SCC 154** had 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 p.m. 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."

10. 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.

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

(a) The order dated 12.08.2025 passed by the District Development Officer, Sant Kabir Nagar is set aside.

(b) The matter be remitted back to authority to pass fresh orders strictly in accordance with law.

12. At this juncture, Sri Gaurav Singh, learned Standing Counsel submits that show cause notice shall be issued in the second week of March 2026 and post issuance of notice, the writ petitioner shall respond within a period of two weeks, and orders shall be passed within a period of two months thereafter.

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

February 10, 2026

N.S.Rathour

(Vikas Budhwar,J.)