



2026:AHC:46204

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2596 of 2026

Raghunandan Sharma

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bashisth Narain Pandey, Shatrughn Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Bashisth Narain Pandey, learned counsel for the petitioner and Sri B.K. Srivastava, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. This court entertained this petition on 23.02.2026 while directing the learned Additional Chief Standing Counsel to obtain instructions and thereafter the matter was fixed for today. Instructions have been supplied by Sri B.K. Srivastava, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was initially engaged as Pharmacist on 30.07.1991 on daily wage basis, however, the writ petitioner preferred an application on 16.03.1992 for regularization of his services and since the claim of the writ petitioner was not being considered for regularization so the writ petitioner preferred Writ-A No. 26752 of 1994 which came to be disposed of on 22.02.1994 requiring the respondents to decide the claim and thereafter an order came to be passed on 02.09.1994 whereby the writ petitioner's services came to be regularized w.e.f. 05.08.1993. However, on 25.03.2013 another order came to be passed in which some of other pharmacist were regularized including wherein the name of the writ petitioner found place at serial no. 14. According to the writ

petitioner, an order seeking to recover an amount of Rs. 1251016.00/- came to be issued by the respondent no. 5 on 01.01.2025 followed by another order dated 13.02.2025 by the said authority.

4. Questioning both the orders, the writ petitioner has been filed the present writ petition.

5. Post passing of the order, today instructions have been forwarded under the signature of Regional Ayurvedik Unani Officer, District Mathura dated 22.01.2026 which is taken on record and marked as Appendix A.

6. Learned counsel for the writ petitioner has submitted that the aforesaid amount cannot be recovered from the writ petitioner, particularly, when it is not the case of any fraud, misrepresentation, or concealment and he further submits that though in case, according to the respondents, certain benefits were extended which were not liable to be extended then though it is for the employer to rectify the errors after putting to notice the effected parties. It is not forthcoming from the order impugned that the writ petitioner was put to notice.

7. Learned Additional Chief Standing Counsel on the other hand submits that the writ petitioner's services stood regularized in the year 2013 thus the ACP is to be paid after counting the services referred as per the Government orders post regularization and not the period prior to regularization and when the said error came to be discovered then the recovery has been made, however, he could not dispute the fact that the writ petitioner has not been put to notice.

8. I have heard learned counsel for the parties and gone through the records carefully.

9. Facts are not in issue. It is not in issue that the writ petitioner's services stood regularized, however, the bone of contention is that the writ petitioner had been accorded the benefit of ACP for the period prior to regularization which according to the respondents ought to have been accorded post the date of regularization. Since it is apparent from the order impugned that the writ petitioner had committed fraud, misrepresentation, or concealment and further the writ petitioner was put to notice thus in the fitness of the matter, the the writ petition is being decided in the following manner:

(a). The writ petitioner shall file a certified copy of the order along with the

self attested copy of the present petition before the fifth respondent, Regional Ayurvedik Unani Officer, District Mathura by **20.03.2026**.

(b) On the said motion, the competent authority shall proceed to pass appropriate orders after putting to notice the writ petitioner within a period of three months.

(c) Any recovery made shall be subject to the final orders to be passed

10. Accordingly, the writ petition stands **disposed of**.

February 27, 2026

Ashu

(Vikas Budhwar,J.)