



2026:AHC:45563

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3105 of 2026

Sudama Prasad Yadav

.....Petitioner(s)

Versus

The State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ambuj Maurya, Arya Gautam, Atipriya Gautam, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vijay Gautam, learned Senior Advocate assisted by Sri Navneet Yadav holding brief of Ms. Atipriya Gautam, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.
2. Sri Manish Kumar, 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 as a Constable on 11.11.1983, promoted on the post of Head Constable in the year 2006 and superannuated on 31.12.2023. However, post retirement, by virtue of the order dated 30.04.2024 passed by the Commandant 39 Battalion, PAC, Mirzapur, the pay-fixation and recovery has been sought to be made, which has been communicated to the writ petitioner in terms of the provisions contained under R.T.I. Act on 10.11.2025. Learned counsel for the writ petitioner submits that the order impugned is in violation of the principles of natural justice, as the same has been passed unilaterally behind the back and the writ petitioner has not been put to notice.
5. Learned Standing Counsel on the other hand submits that the order which is being sought to be impugned is dated 30.04.2024, however, if it is the

grievance of the writ petitioner that he has any grievance, he may approach for redressal of his grievance at the first instance before Respondent no.4.

6. Considering the submissions so made across the Bar and bearing in mind the fact that the writ petitioner has not been heard, the writ petition is being decided in the following terms:-

(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 by 13.03.2026.

(b) The fourth respondent on the said motion shall issue a show cause notice to the writ petitioner within 15 days thereafter.

(c) The writ petitioner shall tendered his reply to the show cause notice within a period of 15 days thereafter.

(d) The fourth respondent shall pass final orders strictly in accordance with law within a period of two months thereafter.

7. Any recovery / refixation shall be subject to the further orders to be passed.

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

February 27, 2026

N.S.Rathour

(Vikas Budhwar,J.)