



2026:AHC:8392

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 171 of 2026

Syed Zahir Naqvi @ Syed Hasan Zahir Naqvi

.....Petitioner(s)

Versus

The State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anuj Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Shri Anuj Mishra, learned counsel for the petitioners as well as Shri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State.
2. A joint statement has been made by learned counsel for the parties that they do not propose to file any 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 petitioners is that they were appointed as Urdu Translator-cum-Senior Assistant on 23.06.1995, a Government Order came to be issued whereby the pay scale was upgraded to Rs.4000?6000 and determination was to be done as per Fundamental Rule 22-B(1) of the Financial Handbook. The writ petitioners were accorded higher pay upon completion of service, up to Rs.2400 and they were promoted and granted increment. The designation was changed from Urdu Translator-cum-Junior Clerk to Junior Assistant and thereafter the petitioner's post was changed to Urdu Translator-cum-Senior Clerk. Upon completion of 15 years of service, they were upgraded to Grade Pay of 2800. Thereafter, Government Orders were issued from time to time and the benefits were granted and the second ACP was also accorded.
5. However, according to the learned counsel for the petitioners, now on 02.03.2025, Respondent No. 5, D.C.P., Crime Gautam Buddh Nagar has proceeded to refix the salary of the petitioners retrospectively and recovery has been directed, whereby the pay scale has been reduced to Rs.53,600 with effect from 01.07.2024.
6. Questioning the said order, the petitioners have preferred the present petition.
7. Learned counsel for the petitioners has sought to argue that the impugned order cannot be sustained for the simple reason that the same is a unilateral exercise behind the back of the petitioners and is against the mandate of the Apex Court in the case

State of Punjab vs. Rafiq Masih (Whiter Washer) 2015 AIR (SC) 1267 and ***Thomas Daniel Vs. State of Kerala and others, (2022) LiveLaw (SC) 438***. Further submission is that in case any rectification was to be done, then the petitioners ought to have been put to notice and in this regard reliance has been placed on the judgment.

8. In ***Bhagwan Shukla v. Union of India (1994) 6 SCC 154***, the following was observed:

"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 pan. 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."

9. Learned Additional Chief Standing Counsel, on the other hand, submits that it is always open for the respondents, being the employer, to recover the amount in case any error has occurred. However, according to him, propriety mandates that the petitioners ought to have been put to notice.

10. I have heard learned counsel for the parties and perused the record.

11. Apparently, certain benefits were extended to the writ petitioners, which now have been curtailed to their detriment. A bare perusal of the order would reveal that the writ petitioners were not put to notice; nothing is forthcoming, and there is no allegation of fraud, concealment, or misrepresentation.

12. Bearing in mind the fact that the petitioners were not put to notice and they are eligible and admissible to the said benefits, the writ petition stands disposed of with the following terms:

A. The order dated 02.03.2025 passed by the The D.C.P., Crime Gautam Buddh Nagar

(Respondent No. 5), is set aside. The matter stands remitted back to the authorities to pass a fresh order after putting the writ petitioner to notice and seeking his reply.

B. The entire exercise shall be undertaken within a period of two months. Thereafter, the amount deducted of the writ petitioners shall also be paid, subject to the outcome of further orders to be passed.

January 13, 2026

A. Prajapati

(Vikas Budhwar,J.)