



2026:AHC:49778

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18272 of 2024

Bijendra Singh Dhama
.....Petitioner(s)
Versus
State Of Up And 6 Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

:with:

WRIT - A No. - 2823 of 2026

Bijendra Singh Dhama
.....Petitioner(s)
Versus
State Of U.P. And 6 Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vijay Pratap Singh, learned counsel for the writ petitioner in the leading as well as in the connected writ petitions and Sri Rahul Malviya, learned Standing Counsel for the State in leading as well as in connected writ petitions.
2. A joint statement has been made by learned counsel for the rival parties that they do not propose to file any further 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 this stage.
4. The case of the writ petitioner is that he was appointed on the post of Constable in the year 1983 and thereafter he was superannuated on 29.02.2024. However, according to the writ petitioner on 16.05.2024, an

order came to be passed by the Deputy Commissioner of Police (Police Head Quarter), Commissionerate, Gautam Budh Nagar, refixing the pay of the writ petitioner while reducing it from Rs.64100/- to Rs.60400/-.

5. Questioning the said order, the connected writ petition came to be preferred. On 28.08.2024, recovery was also directed to be made from the writ petitioner to the tune of Rs.1,52,224/- by virtue of the order dated 28.08.2024 of the Assistant Commissioner (Police Head Quarter), Commissionerate, Gautam Budh Nagar. Further relief has also been sought in the nature of mandamus to release the amount of post-retiral benefits of Rs.11,87,802/- as well as computation amount of Rs.1,05,148/- and other benefits including gratuity which has been withheld. The same was challenged by way of leading writ petition and both the writ petitions have been connected and are before this Court.

6. Learned counsel for the writ petitioner has sought to argue that the order by which re-fixation of the pay-scale to the detriment of the writ petition cannot be sustained for the simple reason that the same is in violation of the principles of natural justice. Learned counsel for the writ petitioner has submitted that it is not a case of fraud, concealment or misrepresentation and further no recovery whatsoever could have been made and there is no question of any re-fixation. Reliance has been placed upon the decision of the Hon'ble Apex Court in ***State of Punjab vs. Rafique Masih (White Washer)*** reported in (2015) 4 SCC 334 and ***Thomas Daniel Vs. State of Kerala and others***, (2022) LiveLaw (SC) 438.

7. Sri Rahul Malviya, learned Standing Counsel on the other hand submits that once any benefit, which is not liable to be extended has been accorded, then it is always open for the employer to correct the errors while taking corrective actions and according to him, it is for the respondents to pass the said order, but propriety demanded that the writ petitioner ought to have been put to notice.

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

9. Apparently, the two orders are subject matter of challenge; one the order whereby re-fixation has been done and another whereby recovery has been sought to be made. From the order impugned it is not apparent that it is a case of fraud, concealment or misrepresentation and it is also not

forthcoming that the writ petitioner was put to notice, thus the order impugned cannot be sustained. Accordingly, the writ petition is being decided in the following terms:-

(a) The orders dated 16.05.2024 and 28.08.2024 passed by Assistant Commissioner (Police Head Quarter), Commissionerate, Gautam Budh Nagar are set aside.

(b) Matter is remitted back to the authority to pass fresh orders in accordance with law.

(c) The issue relatable to the grant of post-retiral benefits of Rs.11,87,802/- as well as computation amount of Rs.1,05,148/- and other benefits including gratuity be also considered within the said period.

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

March 11, 2026

N.S.Rathour

(Vikas Budhwar,J.)