



2026:AHC:49802

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2856 of 2026

Wazeer Beg

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ambuj Mishra, Babboo Ram
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ambuj Mishra, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.
2. This Court had entertained the writ petition on 25.02.2026 and sought instructions from the learned Standing Counsel.
3. Sri R.S. Umrao, learned Standing Counsel has produced before this Court instructions dated 06.03.2026 under the signatures of the Superintendent of Police, District Hapur, which is taken on record and marked as Appendix 'A'.
4. The learned counsels for the rival parties have made a statement at Bar that they do not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record.
5. With the consent of the parties, the writ petition is being decided at the fresh stage.
6. The case of the writ petitioner is that he was appointed on the post of Urdu Translator-cum-Junior Clerk in Police Department and he is presently posted in Police Station- Kapurpur, District Hapur. According to the writ petitioner, the writ petitioner was promoted on the post of Senior Clerk with Grade Pay 2800 in revised pay-band 5200-20200 corresponding 4500-7000 and the benefit of one increment was also accorded, as per the Government Order. Thereafter the writ petitioner was accorded Grade-Pay of Rs.4200/- as second ACP and Grade-Pay of Rs.4600 as third ACP. In pursuance of the Government Order dated 02.12.2000, the writ petitioner was also accorded benefit of pay-scale post completion of 14 and 20 years. Though

according to the writ petitioner, a show cause notice is alleged to have been issued on 21.01.2025 by the Superintendent of Police Hapur show causing the writ petitioner as to why re-fixation be not done and treating the same to have been served upon the writ petitioner on 22.01.2025 and now, the order impugned came to be passed on 02.03.2025 by the Superintendent of Polic, Hapur seeking to refix the pay-scale to the detriment of the writ petitioner.

7. Questioning the said order, present petition has been preferred.

8. This Court 25.02.2026 proceeded to pass the following order:-

"1. The order at page-18 of the paper-book shows that the writ petitioner was put to notice on 21.01.2025, which came to be served upon the writ petitioner on 22.01.2025, but the writ petitioner did not tender any reply.

2. The said fact has been disputed by the writ petitioner by virtue of the averments made in para-14 of the writ petition.

3. Sri R.S. Umrao, learned Standing Counsel to produce before this Court the show cause notice and the mode and manner of service upon the writ petitioner.

4. Put up this case on 11.03.2026, as fresh."

9. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained as the writ petitioner was at no point of time served with the show cause notice dated 21.01.2025 on 22.01.2025. Submission is that the said show cause notice came to be served upon the writ petitioner and the writ petitioner did not tender his reply is factually incorrect. Attention has also been drawn towards towards para 14 of the writ petition so as to contend that the writ petitioner was served with the show cause notice.

10. Sri R.S. Umrao, learned Standing Counsel, who appears for the respondents on the strength of the instructions submits that the show cause notice dated 21.01.2025 came to be served upon the writ petitioner on 22.01.2025, as he seeks to refer page-6 of the instructions, so as to further contend that there happens to be a receiving by hand in that regard.

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

12. Facts are not in issue. Plainly and simply, the bone of contention between the parties is whether the show cause notice dated 21.01.2025 came to be serve upon the writ petitioner on 22.01.2025. Though the writ

petitioner disputes that the stand of the State is that the same stood served.

13. As a matter of fact, though the show cause notice dated 21.01.2025 is stated to have been served upon the writ petitioner on 22.01.2025 and the order impugned came to be passed on 02.03.2025, but bearing in mind the fact that there happens to be re-fixation and recovery and the stand of the writ petitioner which in case, according to the writ petitioner, was substantial remains unattended and the order impugned appears to have been proceeded on the fact that the writ petitioner had not tendered reply approaching towards a situation whereby it tantamounts to violation of principles of natural justice, thus the writ petition is being decided in the following terms:

(a) The order dated 02.03.2025 passed by Superintendent of Police, Hapur is set aside.

(b) Since a copy of the instructions dated 06.03.2026 containing the show cause notice at page 4/5 dated 21.01.2025 has been served upon the writ petitioner during the course of hearing, thus it would be deemed that the writ petitioner is in receipt of the show cause notice. Thus the writ petitioner is to submit its reply to the show cause notice by 28.03.2026 and thereafter an order shall be passed within a period of one month thereafter.

14. With the aforesaid observations, writ petition stands disposed of.

15. Any recovery so made and the re-fixation shall be abide by the final orders to be passed.

March 11, 2026

N.S.Rathour

(Vikas Budhwar,J.)