

**Court No. - 34**

**Case :-** WRIT - A No. - 14154 of 2023

**Petitioner :-** Anurag Mishra And 30 Others

**Respondent :-** State of U.P. and Another

**Counsel for Petitioner :-** Shivendu Ojha, Sneh Pandey, Sr. Advocate

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajit Kumar, J.**

1. On the last occasion, this Court had directed the learned Standing Counsel to obtain instructions in the matter.
2. Today, learned Standing Counsel states that as per instructions he needed time to file counter affidavit..
3. The controversy involved in the present case is to the effect that whether the ACP benefit conferred upon the petitioners should have been withdrawn without opportunity of hearing being conferred upon the petitioners.
4. Since there are no instructions as on date available with the learned Standing Counsel and the specific stand taken by the petitioners is that no opportunity of hearing was given before passing of the impugned order, this Court proceeds to decide the case on the basis of material available on record.
5. Having heard learned counsel for the petitioner and having closely gone through the order impugned, there, I do not find any recital to the effect that petitioners were issued with show cause notice prior to passing of the order impugned which has averse consequences. I do not find any justification to sustain the same and find it appropriate that petitioner be heard first before any order to that count is passed.
6. In view of the above, therefore, the order impugned dated 07.08.2023, Annexure-14 to the writ petition, is hereby quashed providing the petitioners to represent their case before the Director General, Medical and Health Services, UP Lucknow within four weeks from today and after representation is made, as directed hereinabove, the respondents shall proceed to pass order afresh in accordance with law. The order to be passed shall be reasoned and speaking one.
7. With the aforesaid observations and directions, petition stands disposed of.

**Order Date :-** 12.10.2023

P Kesari