

Court No. - 8

Case :- WRIT - A No. - 4730 of 2023

Petitioner :- Jai Karan Singh

Respondent :- State Of U.P Thru. Addl. Chief Secy. Home Deptt. Civil Sectr.
Lko. And 2 Others

Counsel for Petitioner :- Rakesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Shri Rakesh Kumar Singh, learned counsel for the petitioner and Shri Ram Pratap Singh Chauhan, learned Additional Chief Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 05.05.2023 (Annexure No.1 to this writ petition) passed by Superintendent of Police, District-Ambedkar Nagar, whereby it has been directed to recover the excess amount paid to the petitioner due to wrong fixation of his pay while giving him the benefit of ACPs.

3. Shri Ram Pratap Singh Chauhan, learned Additional Chief Standing Counsel for the State-respondents on the basis of instructions fairly submits that no opportunity of hearing was given to the petitioner before the impugned order was passed. He also submits that the Finance Controller, Uttar Pradesh Police Headquarter, Signature Building, Shaheed Path, Lucknow noted that the excess amount is being paid in several Districts to the police personnel in connivance with the higher officials and therefore, a Committee has been constituted to look into the matter and the said Committee in its finding has found that the petitioner was illegally paid the excess amount.

4. Be that as it may, since the impugned order has civil consequences, the petitioner ought to have been given an opportunity of hearing before the impugned order could have been passed.

5. In view thereof, the present petition is **allowed** and the impugned order dated 05.05.2023 is set aside on the shortcoming of not providing an opportunity of hearing to the petitioner before passing the impugned order by the respondent No.3-Superintendent of Police, District-Ambedkar Nagar. The matter is remitted back to the file of the respondent No.3-Superintendent of Police, District-Ambedkar Nagar to given an opportunity of hearing to the petitioner and pass a fresh order in accordance with law.

(Dinesh Kumar Singh, J.)

Order Date :- 11.7.2023

Piyush/-