

Court No. - 8

Case :- WRIT - A No. - 4917 of 2023

Petitioner :- Jokhan Singh Yadav

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt.
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 appearing for the petitioner and Shri Pratul Kumar Srivastava, learned 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 recovery notice dated 30.05.2023 as well as the letter dated 21.04.2023.

3. The petitioner is working on the post of Sub Inspector in U.P. Police. On 30.05.2023, impugned notice has been issued for recovery of Rs.4,49,540/- on the ground that he was paid excess amount of salary more than that of his entitlement. The petitioner had filed reply on 02.06.2023. However, without considering the reply of the petitioner, recovery of Rs.15,000/- per month is being made from the petitioner with effect from June, 2023.

4. Considering the aforesaid fact that the recovery is being effected without considering the reply to the show cause notice before passing the final order, this Court deems it appropriate to dispose of the writ petition with a direction to the Superintendent of Police, Ambedkar Nagar to take a fresh decision after considering the reply dated 02.06.2023 filed by the petitioner to the said show cause notice. Till the decision is taken by the Superintendent of Police, Ambedkar Nagar, no further recovery shall be made from the petitioner.

5. With the aforesaid directions/observations, the present petition finally stands **disposed of**.

(Dinesh Kumar Singh, J.)

Order Date :- 12.7.2023

Piyush/-