



2025:JHC-1 K0:29824

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 11538 of 2025

Dr. Pramod Kumar Gangwar

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Prin. Secy.
Secondary Edu. Deptt. Govt. Of U.P. Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Som Kartik Shukla
Counsel for Respondent(s)	:	C.S.C., Sukrit Singh

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard Shri Som Kartik Shukla, learned counsel for the petitioner, Shri Rajiv Kumar Singh Chauhan, learned Additional Chief Standing Counsel for the State and Shri Vivek, learned counsel for the college.
2. The present writ petition has been filed assailing the order dated 24.06.2025, passed by the State Government.
3. It is submitted by learned counsel for the petitioner that the petitioner was appointed as Lecturer on 06.07.1984, in the College and the Committee of college passed a resolution on 28.06.2003 to abolish 22 posts of the teachers including the petitioner's post.
4. He next submits that on 30.07.2003, an order was passed by the Manager of the respondent-college to relieve the petitioner along with 21 other simultaneously relieved teachers and they were relieved and shifted to the ICSE course, which is also being run by the respondent college. He further submitted that out of 22, 11 teachers, by way of filing writ petition no. 4704 (S/S) of 2003, before this court, challenged the order of relieving, which was finally decided on 17.11.2004, which was challenged before the apex court.
5. Further submission is that the judgment and orders were passed in favour of the 11 other teachers of the respondent college in the Special Appeal No. 424 of 2014 and in compliance thereof, they were allowed to work in the Institution. Some of them have been retired and some are still working. He

added that considering the aforesaid, on 03.03.2015, the State Government passed the order whereby it was decided that the petitioner can be allowed to work in the respondent college and would be paid salary and the convenient benefits as well. He next added that after passing of about 10 years, on 24.06.2025, the State Government has reviewed/modified the earlier order dated 3.3.2015 and took a decision that the petitioner is not entitled for any benefit as Doctrine of 'No Work No Pay' come into play in the present case, only with respect to backwages.

6. He argued that after passing of ten years, the order dated 03.03.2015 has been reviewed, though the petitioner has not been afforded any opportunity to be heard, thus, great prejudice would be caused to him if backwages are not paid to the petitioner.

7. In support of his contention, he has placed reliance upon the judgment in the case of **Jayrajibhai Jayantibhai Patel versus Anilbhai Nathubhai Patel and others reported in (2006) 8 SCC 280**. He has further drawn attention of this court towards the law rendered in the case of **Gorkha Security Services versus Government (NCT of Delhi) and others reported in (2014) 9 SCC 105** and has submitted that the Apex Court has held that if any prejudice is caused to any person, he is entitled to be heard as the doctrine of *Audi Alteram Partem* will come into play in such matters.

8. Further submission is that there was no direction in the order dated 03.03.2015, for non-payment of the backwages and a new condition has been imposed while reviewing the earlier order dated 03.03.2015.

9. He next submitted that the administrative authority has no power to review its own order except in the exigencies, if the same has been passed on the forged or fabricated documents or there are any mistakes or there is concealment of fact.

10. Concluding his argument, he submits that the order impugned dated 24.06.2025 is not only hit by the provisions of law, but it is against the settled proposition of law, therefore, it is liable to be quashed.

11. On the other hand, learned State Counsel has opposed the contention aforesaid and has submitted that the petitioner did not work since 2003-2015, as is mentioned in the order dated 03.03.2015 and therefore, as per the settled principle of law, he is not entitled for the payment for that period as

the the Principle of No Work No Pay shall apply in such cases.

12. On the other hand, learned Senior Counsel appearing for the respondent college submits that the petitioner did not work in the Institution since 2003 to 2015, whereas, the other relieved teachers have been shifted to the ICSE, where they have been working till the decision of the Hon'ble Supreme Court was passed in the Special Leave Petition.

13. He further submitted that the order dated 24.06.2025 speaks about the benefit of payment of salary as well as concurrent benefits, though that does not cover the arrears of the salary and thus submission is that there is no ambiguity in the order impugned herein.

14. Upon considering the submission of learned counsel for the parties and after perusal of record, it is apparent from the order dated 24.06.2025, which is impugned herein that the order earlier passed by the State Government on 03.03.2025, has been modified/reviewed by providing that the Principle of 'No Work No Pay' will apply with respect to the petitioner starting from 30.07.2003 to 08.03.2015 as he did not work in the college.

15. This Court finds that the State Government, vide its order dated 03.03.2015 has taken the view that since the other teachers have been accorded the benefit of payment of salary from the State Exchequer, therefore, the petitioner is also entitled for the same, thus, the direction was that the petitioner shall be paid along with the concurrent benefits of the same, which has not been mentioned in the order dated 03.03.2015. The moot question that has to be dealt with is whether the petitioner has been afforded any opportunity prior passing the order dated 24.06.2025, while reviewing the earlier order dated 03.03.2015.

16. Learned counsel appearing for the State has failed to substantiate his argument that any opportunity was provided while passing the order dated 24.06.2025. The law is settled on this issue that if any prejudice is caused to any of the person, he is entitled to be heard. Infact, the petitioner has been debarred from payment of salary for about 12 years, which will actually cause great prejudice to him and therefore, he is entitled for hearing.

17. Further, this court also finds that the State Government vide order dated 03.03.2015 had taken decision for payment of salary on concurrent benefits, but after ten years, another order has been passed that the petitioner is not

entitled for salary of 12 years on the basis of no work no pay.

18. Consequently, the order dated 24.06.2025 is unsustainable and is hereby ***quashed***.

19. The matter is remitted back to the State Government to pass fresh order after affording opportunity of hearing to the petitioner, within a period of 8 weeks from the date this order is served.

20. With the aforesaid observation, the writ petition is ***allowed*** at the admission stage with the consent of the parties.

December 16, 2025

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(Shree Prakash Singh,J.)