



2025:0004-1 K03:297/20

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14061 of 2025

Tribhawan Nath Mishra

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Of
Home Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Viswash, Deepesh Kumar Yadav, Rati Yadav
Counsel for Respondent(s)	: C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Santosh Kr. Yadav "Warsi", Senior Advocate, assisted by Mr. Viswash, learned counsel for petitioner and learned State Counsel appearing on behalf of the opposite parties.

2. Present petition under Article 226 of Constitution of India has been filed challenging orders dated 01.03.2025, 05.03.2025 and 11.11.2025 whereby recovery has been directed to be issued against petitioner on allegation that he was instrumental in incorrect pay-fixation of another employee, namely, one Balwant Singh.

3. In pursuance of directions issued earlier, learned State Counsel has been provided written instructions dated 16.12.2025, which is taken on record and contain impugned orders dated 01.03.2025 and 05.03.2025 which only indicate a direction for enquiry to be conducted with regard fixing of responsibilities for incorrect pay-fixation.

4. Learned counsel for petitioner submits that a bare perusal of impugned order dated 11.11.2025 will make evident that petitioner has been held guilty only on account of fact that he failed to file response to show cause notice. It is submitted that there is no independent appreciation of material by authorities concerned to reach a conclusion that it was in fact petitioner only who was

responsible for such incorrect pay-fixation. He has adverted to letters dated 06.05.2025 and 27.05.2025 submitted by petitioner to submit that upon receipt of show cause notice, petitioner had sought relevant documents including the register in which the incorrect pay fixation was allegedly made. It is submitted that since aforesaid documents were never provided to petitioner, he could not file his reply and exparte impugned order has been passed.

5. Learned State Counsel has refuted the submissions advanced by learned counsel for petitioner with submission that the material on record clearly indicates ample opportunity of hearing being provided to petitioner who failed to take advantage of same and it is in these circumstances that impugned order has been passed. It is submitted that impugned order in fact has been passed in pursuance of directions issued by this Court in Writ - A No. - 11575 of 2024 whereby this Court has taken a strict view of various cases of incorrect pay-fixation which have caused loss to State exchequer.

6. Upon consideration of submissions advanced by learned counsel for the parties and perusal of material on record, it is evident that proceedings were initiated against petitioner for alleged incorrect pay fixation of the said person. A perusal of impugned order will make it evident that responsibility for such incorrect pay fixation has been affixed upon petitioner only on account of fact that he failed to submit his reply to show cause notice. There does not appear to be any independent or subjective satisfaction recorded by authority concerned based upon any material before the said authority to hold petitioner guilty of allegations levelled against him. The order in fact does not even advert to letters submitted by petitioner requiring production of relevant records in order to enable him to file reply. The order impugned has been clearly passed in an exparte manner without advert to material on record and in fact discloses complete non-application of mind.

7. Since impugned orders dated 01.03.2025 and 05.03.2025 do not indicate any specific action against petitioner and are only in general terms, the same do not require any interference.

8. In view of aforesaid facts and circumstances, the impugned order dated 11.11.2025 is hereby quashed by issuance of a writ in the nature of Certiorari granting liberty to opposite parties to pass orders afresh but only after providing necessary documents to petitioner, affording opportunity of hearing to him and considering defence raised by him in his reply.

9. Resultantly, the petition succeeds and is allowed at the admission stage itself. Parties to bear their own costs.

(Manish Mathur,J.)

December 17, 2025

kvg/-