2026:AHC:211713

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14030 of 2026

Rohit Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Gunjan Sharma, Namit Kumar Sharma
Counsel for Respondent(s) : C.S.C.

Court No. - 33

HON'BLE MANISH KUMAR NIGAM, J.

1. This petition has been filed challenging the order dated 27.8.2026 for recovery of a sum of Rs. 7,86,613.64/- from the petitioner.

2. The contention of the learned counsel for the petitioner is that the said order has been passed without issuing notice to the petitioner and the same is in violation of the principle of natural justice.

3. By the previous order dated 8th September 2026, this Court has directed the learned Standing Counsel to seek instructions as to whether any notice was given to the petitioner or not before passing the order of recovery.

4. Learned Standing Counsel has placed the instructions which are taken on record and on the basis of instructions, it has been submitted by learned Standing Counsel that before passing the order of recovery dated 8th September 2026, no notice was given to the petitioner.

5. An order of recovery is an order having civil consequences and, therefore, the same cannot be passed without issuing notice in violation of the principle of natural justice, and in view of the admitted position that no notice was given to the petitioner before passing the order dated 17.08.2026 directing for recovery, the said order cannot be sustained and is liable to be quashed, and accordingly the order dated 17.08.2026 passed by respondent no.3 is quashed with liberty to respondent no.3 to take appropriate action in accordance with law, if he so desires, after giving opportunity of hearing to the petitioner.

6. The another order under challenge is order dated 17.08.2026 passed by respondent no.4 by which the petitioner has been placed under suspension. It has been submitted by the learned counsel for the petitioner that charge sheet has not been given to the petitioner.

7. Considering the allegations, it would be appropriate that respondent no.4 may issue charge sheet to the petitioner expeditiously, preferably within a period of 10 days and in case charge sheet is issued, petitioner may file his reply within three weeks thereafter. Thereafter, the respondent no.4 shall make every endeavor to conclude the departmental proceedings against the petitioner expeditiously in accordance with law.

8. The writ petition is allowed in part.

(Manish Kumar Nigam,J.)

October 8, 2026
Kumar Manish

Digitally signed by :-
MANISH TRIPATHI
High Court of Judicature at Allahabad