2025:AHC:229402

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19326 of 2025

Tribhuwan Nath Srivastava

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rajesh Kumar Singh, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.

2. Sri Manish Kumar, learned Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argument the matter. With the consent of the parties, the writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed Investigators-cum-Computer in the Health Department on 13.11.1987 and the writ petitioner superannuated on 30.06.2021 and the last pay drawn was Rs. 80,000/-. Post retirement on 27.12.2021, the third respondent, Deputy Commissioner (Administration)/D.D.O., State Tax, Prayagraj has passed an order whereby it has altered the last pay drawn from Rs. 80,000/- to Rs. 71,400/- and also directed for recovery of an amount of Rs. 5,35,715/- and on 12.09.2022, the Commissioner State Tax, Uttar Pradesh at Lucknow, second respondent had passed an order for deduction. Learned counsel for the writ petitioner submits that it is not a case of concealment, misrepresentation of fraud, the writ petitioner was no point of time put to notice and he submits that the said recovery could not have been made and re-fixation could not have been done post retirement.

4. Learned Standing counsel submits that the order which the writ petitioner seeks to challenge are of the year 2022 and 2021 and the writ petition has been preferred in the year 2025. According to him, the writ petitioner may represent his cause before the respondents and the writ petitioner would be given opportunity of hearing.

5. I have heard the submission so made across the bar and perused the record.

6. Apparently, it is not forthcoming from the order impugned that it is the case of fraud, concealment and misrepresentation and the writ petitioner

has been put to notice in **Bhagwan Shukla Vs. Union of India and others reported in (1994) 6 SCC 154.**

7. Bearing in mind the aforesaid facts, the writ petition stands disposed of directing the writ petitioner to submit a comprehensive representation along with self attested copy of the writ petition and certified copy of the order before the second respondent, Commissioner, State Tax, U.P. at Lucknow by **07.01.2026** who shall thereupon issue a show cause notice and after hearing the petitioner, pass an order within a period of two months, any re-fixation or recovery subject to the final orders to be passed.

(Vikas Budhwar,J.)

December 19, 2025
Rajesh

Digitally signed by :-
RAJESH KUMAR
High Court of Judicature at Allahabad