



2026:AHC:11770

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19242 of 2025

Vindeshwari Prasad Patel

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Arvind Kumar Singh, Vishal Tandon
Counsel for Respondent(s)	: C.S.C., Kushmondeya Shahi

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vishal Tandon, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State as well as Sri Kushmondeya Shahi, learned counsel for the respondent nos. 2 and 3.

2. The writ petitioner herein had earlier approached this Court filing Writ-A No.2600 of 2023, which came to be decided on 12.05.2025, order whereof is quoted herein:-

"1. Heard Sri Vishal Tandon, learned counsel for the petitioner and Sri Yatindra, learned counsel for the respondents no.2 and 3.

2. This Court has passed following order on 12.8.2024:

"An interim mandamus was issued in this case on 13.02.2023 to which a counter affidavit has been filed by the Secretary, Basic Shiksha Parishad, Prayagraj on 13.03.2023 and another by the Finance Controller, Basic Shiksha Parishad, Prayagraj, also on 13.03.2023.

The stand taken is that the petitioner retired on 31.08.2022 from the post of a Stenographer in the office of the Secretary, Basic Shiksha Parishad, Prayagraj.

It is urged in paragraph no. 6 of the counter affidavit filed on behalf of the Secretary, Basic Shiksha Parishad, Prayagraj that the respondents requested vide letters dated 11.03.2022, 11.07.2022 and 10.08.2022 to hand over charge to other Assistants working in the office of the respondent, but the petitioner did not provide the list of files related to his table that were being dealt with by him and in the absence of such list, charge could not be handed over to another employee.

In short, the stand is that the respondents would not pay the petitioner's post retiral benefits till the petitioner hands over charge of the files that were there with him when he retired two years back.

The petitioner, on the other hand, says that it is a public office and the records that were part of his table are not under any lock and key that he holds. It is open to handling in all these two years by different personnel who come about there.

The petitioner will appear in the office of the respondent no. 2-Secretary, Basic Shiksha Parishad, Prayagraj day after tomorrow at 11.00 a.m. and hand over whatever charge the respondents desire of him.

It must be remarked, at this stage, that indeed it is difficult after all these two years to do a precise comparison of records that the petitioner was handing back then when he demitted office and the current time when all papers in the public office are being dealt with by different personnel. To say in the circumstances, that the petitioner should hand over charge by the book boards on absurdity. Whatever is available with the petitioner and within his knowledge or records that will be accepted reasonably by the Secretary, Basic Shiksha Parishad, Prayagraj.

In the meantime, quite independent of the question of the charge being handed over, the interim mandamus is for time being made absolute to the extent that the petitioner will be paid current provisional pension forthwith and regularly month by month. Regarding the other pensionary benefits, further orders shall be passed on the interim application.

List the application for further orders on 20.08.2024.

Let this order be communicated to the Secretary, Basic Shiksha Parishad, Prayagraj through the Civil Judge (Senior Division), Allahabad by the Registrar (Compliance) today."

3. In pursuance of above order, it is the stand of petitioner who is present in Court that he has handed over number of files to the Clerk at the office of Secretary, Basic Shiksha Parishad, Prayagraj, Respondent no.2 and a list thereof is mentioned in the supplementary affidavit filed on 20.8.2024.

4. Learned counsel for the petitioner submitted that petitioner is ready to co-operate or visit the office of concerned respondent, if necessary. However, he has an apprehension that he is unnecessarily harassed under the garb of handing over charge.

5. It is not under dispute that petitioner got retired on 31.8.2022 and according to his instructions, all the files have been handed over and are available in the office of concerned respondent and he is left with no other files and since he has no access to the office after his retirement, therefore, in case any file is missing, he cannot be held responsible for the same.

6. Sri Yatindra, learned counsel for the respondent nos.2 and 3 refers a letter 16.8.2024 which is addressed to the petitioner annexed along with Supplementary Affidavit that petitioner has appeared in the office of respondent on 14.8.2024 and out of 1225 files only 46 files were matched, however certain queries remained unanswered and relevant part thereof is mentioned hereinafter:

""माननीय न्यायालय द्वारा पारित आदेश के क्रम में आप दिनांक 14.08.2024 को प्रातः 11 बजे से सायं 7.00 बजे तक आप परिषद कार्यालय में उपस्थित होकर 1225 के सापेक्ष मात्र 46 पत्रावलियों का मिलान कराया गया है। उल्लेखनीय है कि परिषद कार्यालय के पत्रांक बे०शि०प० /19615-17/2023-24 दिनांक 18.07.2023 द्वारा अनुरोध किया गया है कि परिषद कार्यालय के पत्र दिनांक 04.12.1997, दिनांक 14.07.2003, दिनांक 17.05.2005, दिनांक 17.10.2006, दिनांक 21.08.2009, दिनांक 24.06.2014, दिनांक 21.03.2016, दिनांक 31.07.2017, दिनांक 17.10.2018, दिनांक 18.09.2019 द्वारा कार्य आवंटन की कार्यवाही की गयी है।

उक्त कार्य आवंटन में आप द्वारा कौन-कौन सी पत्रावलियां आप द्वारा अन्य सहायक से प्राप्त की गयी तथा आपको क्या-क्या चार्ज प्राप्त

हुआ तथा आप द्वारा कौन सा चार्ज अन्य सहायक को दिया गया है, से सम्बन्धित पत्रावलियों नहीं प्राप्त करायी गयी है।

कृपया वर्ष 2005, 2006, 2008, 2009, 2010, 2011, 2012 की पत्र प्रेषण पंजिका के उपरोक्त पत्र तथा अन्य वर्षवार पत्र से सम्बन्धित पत्रावली एवं पत्र दिनांक 24.08.2024 तक किसी भी कार्य दिवस में उपलब्ध कराने का कष्ट करें। जिससे आपका अदेय प्रमाण पत्र निर्गत किया जा सके।"

7. Court has made a specific query to the counsel for petitioner as to whether petitioner can still co-operate and sit along with some responsible person of concerned respondent department and provide details of files on the basis of facts, since the Court cannot go too much in respect of handing over charge.

8. It has been told by counsel for petitioner that some files were confidential also.

9. On the basis of orders passed by this Court, provisional pension is granted to the petitioner.

10. At this stage, counsel for petitioner submitted that a representation has been filed subsequent to the letter referred by the counsel for the respondents and the same may be decided by a reasoned order.

11. Aforesaid prayer is rejected since it will create an opening of a new case.

12. In the aforesaid circumstances considering that it is a case where the petitioner is claiming his retiral benefits except payment of G.P.F. amount and upto 90 % of which has been released and petitioner is before this Court for last more than two years and has retired earlier on 31.8.2022.

13. In the orders passed by this Court, it has also been observed that physical verification of some files is not possible since petitioner has no access to his office after his retirement, still considering that there must be proper handing over of files so that new incumbent must have knowledge about the number of physical files.

14. At this stage petitioner informs his Counsel that he will appear in the office of concerned respondent on 15.5.2025 who will provide a chart of files as well as status of verification. A column shall be left blank in the chart under the heading of 'Response by the Petitioner' and the petitioner will be at liberty to fill this column on the basis of his knowledge and a direction be passed by concerned respondent for full pension and post retiral benefits to the petitioner and in case of any other legal impediment the same shall be informed to the petitioner also within a short period taking note of judgment passed in State Bank of India Vs. Navin Kumar Sinha, 2024 SCC OnLine SC 3369.

15. With the aforesaid direction, this writ petition is disposed of."

3. According to learned counsel for the writ petitioner submits that on 10.10.2025, certain payments have been made to the tune of Rs.43,38,890/-, however, with respect to 10% GPF is concerned, the same has not been paid and interest and the Leave Encashment have also not been paid.

4. Sri Kushmondeya Shahi, learned counsel for Respondent no.2 and 3 has submitted that so far as 10% of GPF is concerned, it has been sanctioned on 08.01.2026.

5. Having heard the submissions so made across the Bar, with respect to the residue payment which the writ petitioner seeks to be paid, which are legally admissible, the writ petitioner may approach to Respondent no.2 along with a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order by 30.01.2026, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of six weeks, from the date of production of certified copy of the order.

January 19, 2026

N.S.Rathour

(Vikas Budhwar,J.)