



2026:AHC:11781

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19300 of 2025

Vinay Kumar Srivastava

.....Petitioner(s)

Versus

State Of U.P And 5 Others

.....Respondent(s)

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

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Tejas Singh, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed as Class-IV employee on 27.07.1988 and thereafter on the post of Dresser since 22.06.1989. He was accorded promotion on 22.06.2003 and thereafter he was accorded third ACP along with other benefits. The service of the writ petitioner came to be dispensed with, so the writ petitioner preferred **Writ-A No.11586 of 1995, Sri Vinay Kumar Srivastava vs. The Director, Directorate of Employees States and others**, in which on 10.09.2013, the following orders were passed:-

"The petitioner has preferred this writ petition aggrieved by the order of his termination order dated 18.4.1995 passed by the sole respondent No.1/Director Employees State Insurance Scheme, Labour Medical Services, U.P., Kanpur.

Heard Sri Ranjeet Saxena, learned counsel for the petitioner and learned Standing Counsel. Learned counsel for the petitioner has drawn attention of the Court to the impugned order dated 18.04.1995 whereby the services of 27 Class IV employees were terminated. The petitioner's name finds place at serial no.1 of class IV employees. The same impugned order was subject matter in several writ petition. The leading petition was Writ Petition No. 12345 of 1995 (Hari Shanker and others v. Director, Employees State Insurance Scheme, Labour Medical Services, U.P.Kanpur). The said writ petition was allowed on 1.3.2004 in following terms :-

"The respondents have not stated in the counter affidavit a single word regarding any notice or opportunity of hearing to the petitioners whatsoever. There is nothing on

record which supports the case of the respondents and the impugned order. Failure to show any specific service Rule which defines the appropriate appointing authority as stated by the respondents in C.A. the argument cannot be accepted that the letter of appointment was issued by an authority who was not competent. The writ petition is liable to be allowed.

In the present writ petition, the petitioners are continuing in service on the basis of interim order dated 10th May, 1995 as such they will be deemed to be in continuous service, are entitled to all the benefits accrued by virtue of appointments. The impugned order dated 26.4.1995 passed by respondent no.1 is hereby quashed and the writ petition stands allowed. There shall be no order as to cost."

The said judgement was followed by this Court in Writ -A No. 11777 of 1995 (Sri Ram Bachan Maurya v. Director, Directorate of Employees State and Others).

By virtue of interim order dated 2.5.1995 it is stated that petitioner is continuing in service.

Having considered the facts and circumstances of the case, direction issued in the judgement of this Court in Civil Misc.Writ Petition No. 12345 of 1995 (Hari Shanker and others v. Director, Employees State Insurance Scheme, Labour Medical Services, U.P., Kanpur) shall also be extended to this writ petition.

The writ petition succeeds and is allowed in the same term."

3. According to the writ petitioner, he was reinstated in service, however, off late show cause notice came to be issued on 29.05.2025, which was replied by the writ petitioner on 30.06.2025.

4. Prayer in the present writ petition is for a direction to grant service benefits which are admissible to the writ petitioner.

5. Learned counsel for the writ petitioner submits that there happens to be an order passed by the Respondents dated 24.06.2022 for grant of benefits.

6. Learned Standing Counsel on the other hand submits that the claim of the writ petitioner needs examination at the first instance by Respondent no.4.

7. Considering the submissions so made across the Bar, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.4, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in

accordance with law within a period of two months, from the date of production of certified copy of the order.

January 19, 2026
N.S.Rathour

(Vikas Budhwar,J.)