



2026:AHC:18558

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18331 of 2025

Ram Dev Pandey

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jitendra Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Jitendra Kumar Srivastava, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.
2. A statement has been made by Sri R.S. Umrao, learned Standing Counsel that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. 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 selected and joined on the post of Constable on 24.06.1967, he was promoted as Sub Inspector in the year 2018. A criminal case was lodged against the writ petitioner under Section 302 IPC and the writ petitioner was placed under suspension on 07.12.1993 and he was reinstated, according to the writ petitioner, though the writ petitioner superannuated on 31.07.2008 but in the wake of the pendency of a criminal case, the writ petitioner was being paid provisional pension not the entire full pension and thereafter, he was exonerated on 15.03.2024 by the court of Additional Session Judge/Fast Track, Basti in Session Trial No. 93 of 1994, 146 of 1993 and 110 of 1994 against which an appeal has been preferred which is pending before this Court. Learned counsel for the writ petitioner submits that now the legal impediment with regard to the pendency of the criminal case stands extinguished particularly when the writ petitioner has been exonerated in the criminal case then mere

pendency of a Government Appeal against the order of acquittal would not create any legal impediment. He further submits that now the provisions contained under Section 351A and 919-A(3) would also not come in the way of granting the benefits. Thus, the according to him, the order impugned dated 05.02.2021 negating according of full pension cannot be sustained.

4. Learned Standing Counsel, on the other hand, submits that in the wake of the pendency of the criminal case, the writ petitioner has been paid provisional pension. However, according to him, now since the writ petitioner stands exonerated and the trial has been decided in his favour though the appeal against the same is pending, the matter needs re-consideration.

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

6. Facts are not in issue. It is not in issue that the writ petitioner's services stand regulated by the provisions contained under 1991 Rules. It is not in dispute that the writ petitioner was proceeded under criminally and the writ petitioner was acquitted of the charges, a Government Appeal is pending. In view of the fact that the writ petitioner stands exonerated in criminal case and the Government Appeal is pending, thus, it would be presumed in the eyes of law that there is no criminal case is pending against the writ petitioner.

7. Accordingly, the writ petition is being decided in the following terms.-

(a) the order dated 05.02.2021 passed by Finance Controller, Police Uttar Pradesh, Police Headquarters, Allahabad is set aside; (b) matter stands remitted back to the authority to pass a fresh order.

8. With the aforesaid observations, the writ petition stands disposed of.

9. Instructions filed today are taken on record and marked as Appendix 'A'.

January 27, 2026
Rajesh

(Vikas Budhwar,J.)