



2026:AHC:20877

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1291 of 2026

Gajram Singh Retired Head Constable

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Sanjeev Kumar, learned counsel for the petitioner and Sri R.S. Umrao, learned Standing Counsel, who appears for State-respondents.

2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed as a Constable on 26.12.1979 and promoted as Head Constable and superannuated on 31.05.2021. According to the writ petitioner, owing to lodging of a criminal case being No. 353 of 2014 under Sections 323, 324 IPC. The writ petitioner was being paid provisional pension. The writ petitioner herein preferred Writ-A No. 13724 of 2025 before this Court seeking relief to an extent that a direction be given to the respondents to consider the claim of the writ petitioner for full pension, particularly, when the writ petitioner stood acquitted by the Court of Additional Chief Judicial Magistrate, court no. 1, Moradabad on 10.01.2025. Thereafter now the claim set up by the writ petitioner has been rejected on 04.01.2026 by the Deputy Inspector General of Police/ Superintendent of Police, District Pilibhit on the premise that the approval is being taken for preferring a Government Appeal against the acquittal order.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that once the writ petitioner is acquitted and pendency of a criminal case was a ground for not paying the full pension then until and unless the acquittal order is set aside in an appeal mere pendency of an appeal would not be a ground to take away the benefits.

6. Learned Standing Counsel on the other hand submits that whatever might be a conscious decision is to be taken by the State Government.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Facts are not in issue. It is not in issue that the writ petitioner was paid provisional pension on the ground of pendency of a criminal appeal. Since according to the parties, the criminal proceedings ended in acquittal and the said acquittal order has not been set aside though the respondents are underway for preferring an appeal. The same would not be a ground to take away the benefits.

9. Accordingly, the writ petition is being decided in the following manner:

(a). The order dated 04.01.2026 passed by the respondent no.3/Deputy Inspector General of Police/ Superintendent of Police, District Pilibhit is set aside.

(b). The matter stands remitted back to pass fresh order strictly in accordance with law.

10. Since the decision is to be taken by the respondent no. 1 so the respondent no. 1 shall pass an appropriate order within a period of six weeks.

11. Accordingly, the writ petition stands **disposed of**.

January 30, 2026
Ashu

(Vikas Budhwar,J.)