



2026:AHC:56149

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 59 of 2026

Ramvir Singh

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Bhim Sen Pandey, Kartikey Pandey
Counsel for Respondent(s)	: C.S.C., Manvendra Singh

In Chamber

HON'BLE MRS. GARIMA PRASHAD, J.

1. Heard Sri Bhim Sen Pandey, learned counsel for the petitioner, Sri Manoj Srivastava, learned Standing Counsel for the State respondents and Sri Manvendra Singh, learned counsel appearing for respondent nos. 2 and 3.

2. The present writ petition has been filed seeking the following substantial relief:

“Issue writ, order or direction in the nature of mandamus commanding the respondents to compute the petitioner’s military service and after it’s inclusion with present service make fixation as provided under Civil Service Regulation 526 awarding all consequential benefits along with pensionary benefit.”

3. Learned counsel for the petitioner submits that the petitioner was appointed as Sepoy in Indian Army on 18.12.1984 and continued in military service till 31.12.2001 i.e., worked for a period of 17 Years and 14 days. The petitioner retired on 31.12.2001 as T.S. Naik. The petitioner completed BTC training in the year 2004 and thereafter selected and appointed on the post of Assistant Teacher vide order dated 25.06.2011

in Prathmik Viddyalaya Kanjahra Block Karhal District Mainpuri and he joined his services on 01.07.2011. Thereafter, he was promoted on 12.05.2015 as Headmaster and is continuing. The petitioner is going to retire on 31.03.2026.

4. It is further submitted that the petitioner has raised his grievance before the authorities for computing his 17 years and 14 days of military service for the purpose of pay fixation and pensionary benefits, however no decision has been taken till date. It is submitted that the services rendered by the petitioner in both departments together come to about 32 years of qualifying service, and Regulation 526 of the Civil Service Regulations provides that while fixing the pay of a re-employed person, the authority may take into account the previous service rendered in the parent department.

5. Learned counsel for the petitioner submits that the State Government has issued several Government Orders from time to time for inclusion of previous service enabling fixation under Civil Service Regulation 527 and for grant of pensionary benefits. The Government Orders dated 26.08.1977, 26.03.1980, 18.11.1982, 18.05.1983, 11.02.1987, 05.06.1999 and 30.04.2019 clearly demonstrate the policy of the State for inclusion of previous service and fixation accordingly.

6. It is further submitted that the controversy involved in the present case is no longer *res integra*. This Court in its judgment dated 21.10.2010 in Civil Misc. Writ Petition No. 32139 of 2007 (***Hans Nath Dwivedi vs. State of U.P.***, reported in 2011 (3) A.D.J. 735) has directed the authorities to make fixation in terms of Civil Service Regulation 527 by taking into account the military service rendered by the petitioner therein. Similar directions for grant of incremental benefits by counting previous service have also been issued by this Court in Writ-A No. 36642 of 2015 (***Hari Chand vs. State of U.P.***) decided on 23.08.2016, and the said judgments have attained finality.

7. Learned counsel for the respondents submits that the entitlement of the petitioner is not disputed and the Government Orders issued by the State Government provide for inclusion of previous service enabling fixation under Civil Service Regulation 527 for grant of pensionary benefits. It is however submitted that the matter of the petitioner has already been recommended by the District Basic Education Officer to the competent authority and a decision is awaited.

8. Considering the submissions of learned counsel for the parties and the fact that the entitlement of the petitioner is not disputed, this Court finds that the issue stands settled by the judgments of this Court referred to above. The petitioner is on the verge of retirement, and any delay in fixation of his service benefits would directly result in delay in determination and release of his pensionary dues.

9. Once the entitlement of the petitioner is not in dispute and the legal position stands settled, the authorities cannot defer the matter on the ground that approval in another case is awaited. Administrative pendency or internal correspondence cannot be permitted to defeat or delay the lawful entitlement of the petitioner.

10. It is well settled that retiral benefits are not a bounty but a right earned by an employee for the services rendered, and the authorities are under a duty to ensure that such benefits are determined and released promptly. Delay in fixation of service benefits at the stage of retirement causes serious prejudice to a retiring employee and cannot be countenanced.

11. In the facts of the present case, therefore, it is necessary to issue a direction so that the petitioner's service records are finalized and his pay fixation and pensionary benefits are determined without any further delay, particularly when the petitioner is about to retire.

12. Accordingly, the writ petition is allowed. The respondents are directed to compute the petitioner's military service and make fixation of pay in accordance with Civil Service Regulations 526/527 and the

applicable Government Orders, and thereafter determine the petitioner's pensionary and other retiral benefits, if admissible.

13. The aforesaid exercise shall be completed forthwith and in any case within a period of eight weeks from the date of production of a certified copy of this order before the competent authority, so that the petitioner's retiral dues are not delayed on account of administrative inaction.

(Garima Prashad,J.)

March 19, 2026
Kuldeep