



2026:AHC:32929

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 369 of 2026

Dinesh Kumar Pandey

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dharmendra Kumar, Namit Srivastava, Parul Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

In Re: Civil Misc. Modification Application No. 2 of 2026

1. On 16.01.2026 in the main petition, the following orders have been passed.-

"1. Heard Sri Namit Srivastava, learned counsel for the writ petitioner and Sri S.K. Pal, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed in Sales Tax Department and he has been transferred to District Allahabad/ Prayagraj, however, by virtue of the order dated 03.01.2026, the writ petitioner has been transferred to Ambedkar Nagar. Learned counsel for the writ petitioner submits that the date of birth of the writ petitioner is 01.12.1966 and he is to retire on 30.11.2026 and according to him, barely ten months are left in his retirement.

3. Learned Standing Counsel on the other hand submits that the writ petitioner may raise his grievance before the Commissioner, Sales Tax (Establishment Gazatted Section), Government of Uttar Pradesh, Lucknow.

4. Having heard the submissions so made across the Bar and bearing in mind that the writ petitioner is to superannuate on 30.11.2026, the writ petition stands disposed of directing the writ petitioner to approach the 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 22.01.2026, who on the said motion shall proceed to pass an order by 28.02.2026.

5. *Till 28.02.2026 or passing of the order, whichever is earlier, the writ petitioner shall not be relieved, if he has not already been relieved.*

6. *The protection so accorded shall only be applicable, in case the writ petitioner abides by the terms and conditions mentioned in the order."*

2. Thereafter, in the modification application on 10.02.2026, the order was passed.-

"In Re: Modification Application No. 2 of 2026

1. *An affidavit filed today is taken on record.*

2. *The present modification application has been file seeking to modify the order dated 16.01.2026 to the extent that the writ petitioner shall be allowed to continue on the post under Respondent no.4, as the writ petitioner had been relieved in absentia vide order dated 07.01.2026. The stand taken in the modification application is that on 03.01.2026, the writ petitioner came to be transferred from Prayagraj to Ambedkar Nagar. One Intra Pratap Singh, who happened to be posted in Ambedkar Nagar, where the writ petitioner was transferred was placed under suspension. He questioned the suspension in Writ-A No.8589 of 2025, which came to be allowed on 05.08.2025 and the stay application in intra-court appeal was also rejected.*

3. *Post quashing of the suspension order, he preferred Writ-A No.312 of 2026 questioning the transfer of the writ petitioner herein from Prayagraj to Ambedkar Nagar and the said writ petition came to be allowed on 20. 01.2026. Thus it is the stand of the applicant herein that once the place, where he is being transferred, already an incumbent has been allowed to perform the duty, thus the writ petitioner be retained in Prayagraj and the relieving order be recalled and the writ petitioner/applicant be allowed to continue.*

4. *Sri S.K. Pal, learned Addl. Chief Standing Counsel seeks time to obtain instructions.*

5. *Put up this case on 13.02.2026, in the additional cause list."*

3. Today, instructions have been forwarded, according to which, the transfer order has been recalled and the writ petitioner has been allowed joining.

4. In view of the same, no further orders are required to be passed in the modification application, accordingly, modification application is **disposed of**.

5. Instructions filed today are taken on record and marked as Appendix 'X' and 'Z'.

(Vikas Budhwar,J.)

February 13, 2026

Rajesh