



2026:AHC:33046

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 4938 of 2024

Amar Jeet Singh

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamal Krishna Roy, Prabal Pratap, Ramesh Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Dr. Om Prakash Yadav (AoR) holding brief of Sri Ramesh Kumar, learned counsel for the writ petitioner and Sri S.K. Pal, learned Additional Chief Standing Counsel for the State.

2. Since counter and rejoinder affidavits have been exchanged between the parties and the rival parties do not propose to file any further affidavit, the writ petition is being decided at the admission stage.

3. The writ petitioner herein had earlier approached this Court while filing civil misc. writ petition no. 10034 of 1996 questioning the order dated 13.03.1994 passed by SSP, Varanasi dismissing the writ petitioner from service and also order dated 25/26.10.1995 passed by Deputy Inspector General of Police, Varanasi rejecting the appeal. The writ petition came to be decided on 16.10.2003 in the following manners.-

"Considering the entire facts and circumstances of the case, in my view, the punishment of withholding of three increments with cumulative effect and reinstatement in service without back wages would be sufficient and adequate punishment. Accordingly, it is directed that the petitioner shall be reinstated in service within two months from the date of filing of a certified copy of this order before respondent no.3. However, three increments of the petitioner with cumulative effect shall be withheld, and he shall also not be entitled for salary from the date of his dismissal till the date of his reinstatement, but he shall be given continuity of service for all other purposes."

4. Thereafter, the writ petitioner was reinstated. Since according to the writ petitioner, he has not been paid post retiral benefits including gratuity, fund, encashment and pension post retirement of the writ petitioner on 30.09.2023, thus, the present writ petition has been preferred.

5. A counter affidavit has been filed on behalf of respondents no. 2 to 4 sworn on 05.07.2024 by Circle Offer, Phoolpur, District Azamgarh in which in para 16, the following averments have been made.-

"That the contents of paragraph nos. 25 to 28 of the writ petition are not admitted, as stated, hence denied. In reply thereto, it is submitted that the service period and retirement benefits of the petitioner were properly determined. The service related calculation of the petitioner which is pasted in the character register of the petitioner. The petitioner has been given all the benefits he was entitled to receive after his retirement. Like, leave encashment of 229 days has been paid to the petitioner through CO No. 1708 dated 19.12.2023, Rs. 3,66,400/- and Insurance CO No. 2090 dated 19.12.2023, Rs. 88,420/- has been paid. Apart from the above, provisional gratuity 90 percent Rs. 6,04,800/- provisional gratuity 10 percent Rs. 67,200/- commutation Rs. 7,37,360/- pro pension Rs. 7,21,851/- has been paid. Based on the calculation of pension, the total pension of the petitioner was Rs. 18,750/-, out of which 40 percent of Rs. 7500/- was commuted by the petitioner. Payment is being made by adding the current inflation rate to the remaining Rs. 11,250/-. In relation to which, photocopies of letter no. 257/2021 dated 17.10.2023, leave encashment payment, insurance payment and pension calculation are being jointly attached as Annexure-09. The petitioner's GPF was not being deducted."

6. Learned counsel for the writ petitioner submits that there are certain benefits which have not been extended to the writ petitioner.

7. Learned Additional Chief Standing Counsel submits that already entire benefits have been paid and, in case, certain benefits which according to the writ petitioner had not paid and they are in arrears then the writ petitioner may approach the respondent no. 4.

8. To such a submission, learned counsel for the writ petitioner has no objection.

9. Considering the submission so made across the bar, the writ petition stands **disposed of** leaving it open for the writ petitioner to approach the SSP, District Azamgarh by **13.03.2026** by way of a comprehensive representation along with self attested copy of the writ petition and certified copy of the order passed today and on the said motion, the fourth respondent shall examine the issue and pass appropriate order within a period of four months thereafter. In case, the fourth respondent is of the opinion that the matter needs to be redressed by some other authority, papers be transmitted to the said authority with due intimation to the writ petitioner. Further in the contingency wherein certain documents are required from the writ petitioner then the writ petitioner being granted opportunity in that regard.

(Vikas Budhwar,J.)

February 13, 2026

Rajesh