



2026:AHC:28844

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19725 of 2025

Balvir Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ghanshyam Das Mishra, Vindhyachal Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ghanshyam Das Mishra, learned counsel for the petitioner as well as Sri Rahul Malviya, learned Standing Counsel for the respondents.

2. The case of the petitioner is that he was appointed to the post of Section Mishtri. An FIR came to be lodged against him under Sections 376 and 511 of the IPC as well as Section 3(2)(v) of the SC/ST Act. Pursuant thereto, the petitioner was tried in Sessions Trial No. 55 of 2017 (State vs. Balveer Singh) and was convicted by judgment dated 17.10.2019. Against the said judgment of conviction, the petitioner preferred Criminal Appeal No. 6967 of 2019 before the Allahabad High Court wherein he has been enlarged on bail and the sentence has been suspended during pendency of the appeal.

3. Learned counsel for the petitioner submits that although the petitioner stands convicted, the judgment of conviction and sentence is under challenge and only sentence has been suspended. It is contended that despite the aforesaid fact, the respondents have denied full salary and certain retiral/financial benefits for the relevant period, particularly during the period leading to superannuation. The order dated 12.7.2024 is under challenge in the present petition.

4. Per contra, learned Standing Counsel supports the impugned order and submits that the denial of salary and benefits is in accordance with applicable rules and that mere suspension of sentence does not wipe out

the conviction.

5. Considering the submissions so made across the Bar, the writ petition stands ***disposed of*** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no. 3/ Executive Engineer Nalkoop Division Auraiya who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of two months from the date of production of certified copy of the order.

(Vikas Budhwar,J.)

February 10, 2026

Sushma