



2026:AHC:67302

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 4438 of 2026

Sri Krishna And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Anil Kumar, Satish Chandra Dubey, Savan Kumar
Counsel for Respondent(s)	: C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioners earlier approached this Court by filing a petition being Writ A No.397 of 2026, which was disposed of on 16.01.2026 with the following observations :-

"1. Heard Sri Satish Chandra Dubey, learned counsel for the petitioner and Sri Prashant Kumar Mishra, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioners is that they are tube-well operators who stood retired, however, they are not being paid pension taking into account the qualifying period. They seek to rely upon the decision in Writ-A No. 810 of 2024 (Shiv Autar Sharma and 10 others v. State of U.P. and 2 others), decided on 03.12.2025.

3. Prayer in the present petition is for a direction to the respondents to consider the claim.

4. Learned Standing Counsel submits that the claim of the writ petitioner needs adjudication at the first instance by the third respondent, Executive Engineer, Nalkoop Khand-Ist, Prayagraj.

5. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

6. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same within a period of two weeks, proceed to decide the claim of the

petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order. In case the third respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same.

7. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

8. With the aforesaid observation, the writ petition is disposed off."

2. Pursuant to the aforesaid a representation was submitted by the petitioners before the respondent no.3-Executive Engineer, Nalkoopkhand-Ist, Prayagraj on 22.01.2026, which was rejected by the respondent no.3 vide order dated 11.02.2026 hence present writ petition.

3. It is argued by counsel for the petitioners that though a reliance has been made by the petitioners in respect of law laid down by this Court in the case of Shiv Autar Sharma (supra) along-with various other materials and documents but they were not at all taken into consideration by the respondent no.3 while rejecting the claim of the petitioners. It is further argued that after quoting down certain rules namely Uttar Pradesh Retirement Benefits (Amendment) Rules, 2005 in one line order the claim of the petitioner was rejected.

4. From perusal of the aforesaid it is clear that order impugned has been passed without application of mind and without assigning any reasons whatsoever hence same has been passed in violation of principles of natural justice.

5. This fact is also not denied by the learned Standing Counsel appearing on behalf of respondent-State.

6. In the facts and circumstances of the case, the order dated 11.02.2026 passed by respondent no.3 is liable to be set aside and the same is hereby set aside.

7. The writ petition is allowed. Respondent no.3 is directed to pass

fresh order strictly in accordance with law most expeditiously and positively within four weeks from the date of receipt of certified copy of this order.

(Prakash Padia,J.)

March 31, 2026
Pramod Tripathi