



2026:AHC:28670

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 1900 of 2026**

Hari Narayan Yadav

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Siddharth Khare
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashok Khare, learned Senior Advocate, assisted by Sri Siddharth Khare, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.

2. Sri Jitendra Prasad, learned Standing Counsel has made a statement that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that he was initially appointed as Chawkidar (Class-IV) on 08.06.1992 and was posted at Government Ayurvedic Chikisalaya, Jeevanpur, Azamgarh and his services were terminated on 17.07.1992 and the writ petitioner preferred a Writ Petition No. NIL of 1992 in which an order was passed on 01.09.1992, order whereof is quoted herein:-

"Standing counsel prays for and is granted six weeks time to file his counter affidavit. Until the 8th of December 1992 the operation of the order dated the 17th of July 1992, copy whereof is annexed as Annexure-4 to the petition is stayed. It is made clear that this stay which is subject to modification or vacation early will automatically come to an end on the 8th of December 1992 without any further order it being the case of the petitioner that his appointment is for a period of six months from the 8th June 1992. This is without prejudice to the rights of the respondent to pass such order as they consider appropriate on the subject matter of the petitioner after giving a fair opportunity to petitioner of having his say in the matter."

5. The writ petitioner thereafter was reinstated and paid regular salary and thereafter the writ petitioner preferred another writ petition in the year 1992. However, both the writ petitions came to be dismissed as infructuous. It is also the case of the writ petitioner that on 03.06.1993 that the writ petitioner came to be transferred to Government Ayurvedic Chikitsalaya, Maheshpur, Azamgarh and the writ petitioner was accorded joining on 25.06.1993 and thereafter the writ petitioner's services stood regularized on 10.05.2005. It is also the case of the writ petitioner that certain complaints stood lodged against the writ petitioner, pursuant where to a Committee was constituted, however, there is no departmental inquiry either pending or contemplated against the writ petitioner and the writ petitioner superannuated on 31.07.2025. Post retirement of the writ petitioner, now he became entitled to post retiral benefits and in this regard communications have been made between the respondents and in this regard, writ petitioner seeks to rely upon the communication of the Director, Ayurvedic Services addressed to the Regional Ayurvedic and Unani Officer dated 19.08.2025 and 14.01.2026 at page-73 of the paper-book, whereby though recommendation has been made for payment of pension, but till date pension has not been made.

6. Prayer in the present writ petition is for a direction to the respondents to sanction pension to the writ petitioner strictly in accordance with law, not only current but also arrears.

7. Learned Standing Counsel on the other hand submits that the claim of the writ petitioner needs adjudication at the first instance by Respondent no.3.

8. 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, 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. In case Respondent no.3 finds that the claim of the writ petitioner is to be decided by any other authority, the papers shall be sent to that authority after due intimation to the writ petitioner.

February 10, 2026

N.S.Rathour

(Vikas Budhwar,J.)