



2026:AHC:45251

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3074 of 2026

Hari Shankar Rai

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pramod Kumar Rai
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Pramod Kumar Rai, learned counsel for the petitioner and Sri Gaurav Singh, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioner is that though the writ petitioner was appointed as an Assistant Operator in Police Radio Department, U.P. and he superannuated on 31.12.2025, however owing to pendency of a criminal case being case crime no. 225 of 2021, under Sections 323, 504, 506, 427, 117 IPC now by virtue of a communication of the Accounts Officer Personnel in the office of Finance Controller addressed to the Superintendent of Police, Sonbhadra, the files pertaining to the post retiral benefits have been returned on the pretext that already cases is pending against the writ petitioner. So the writ petitioner cannot be extended pensionary benefits.

3. Learned counsel for the writ petitioner submits that though the order came to be passed on 28.11.2025 but the writ petitioner in view of the Full Bench decision of this Court in ***Shiv Gopal v. State of U.P. and others; 2019 (5) ADJ 441, Devendra Kumar Sharma v. State of U.P. and others; 2021 0 Supreme 1154 Allahabad*** and ***Uday Narayan Ojha v. State of U.P. and others; 2020 (6) AWC 5502*** is entitled to be paid provisional pension and other benefits which are admissible.

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

5. Learned Standing Counsel submits that whatever might be the communication dated 28.11.2025 is not marked to the but it is a internal communication but in case criminal case is already pending then the writ

petitioner entitled to provisional pension.

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

7. 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 fifth respondent, Superintendent of Police, Sonbhadra who shall pass an appropriate orders and in case criminal case is pending and there is a legal impediment then the writ petitioner be paid provisional pension in that regard.

8. 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.

9. With the aforesaid observation, the writ petition is **disposed off**.

February 27, 2026

Ashu

(Vikas Budhwar,J.)