



2026:AHC:37181

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2489 of 2026

Umesh Kumar Tiwari

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Mishra, Shwetanshu Dwivedi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Shwetanshu Dwivedi, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed on the post of Assistant Development Officer, Cooperative/Cooperative Inspector, Group-2 on 16.05.1997 and he assumed charge on 04.06.1997 and with regard to the writ petitioner, he superannuated on 31.08.2025 as Assistant Commissioner/Assistant Registrar, Cooperative, Ghaziabad. According to the writ petitioner, the writ petitioner for certain reasons beyond control and comprehension was absent from duty on 29 and 30 June, 2000, however, now when post retirement, time had come to reach the benefits, the writ petitioner has not been paid post retiral benefits. Learned counsel for the writ petitioner submits that the seventh respondent had already issued a letter in the form of a recommendation that why the service be not being included particularly when under law, the said duty is computed and treated as duty of earned leave for all practical purposes. As per the writ petitioner, the said period cannot be treated to be dies non and further the same is to be computed for the purposes of payment of pension in that regard.

3. Learned Standing Counsel, on the other hand, submits that the claim of the writ petitioner needs adjudication at the first instance by third respondent, Additional Commissioner/Additional Registrar, Cooperative, U.P. Lucknow.

4. Considering the submission so made across the bar, the writ petition stands **disposed of** directing the writ petitioner to submit a comprehensive representation along with self attested copy of the writ petition and certified copy of the order before the third respondent, Additional Commissioner/Additional Registrar, Cooperative, U.P. Lucknow by **27.02.2026**. Thereafter, the third respondent shall decide the claim of the writ petitioner within a period of two months.

5. In case, the third respondent is of the opinion that the matter needs to be decided by some other authority, then the papers be transmitted to the same.

(Vikas Budhwar,J.)

February 19, 2026

Rajesh