



2026:AHC:49826

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2648 of 2026

Siya Ram

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arun Kumar Tripathi, Mitesh Agrawal
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Arun Kumar Tripathi, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.
2. This Court entertained the writ petition on 03.02.2026 while seeking instructions.
3. Sri Jitendra Prasad, learned Standing Counsel has produced before this Court the instructions under the signature of Commandant, 12th Battalion, PAC, Fatehpur dated 09.02.2026 which is self sufficient.
4. The case of the writ petitioner that the writ petitioner retired from the post of Sweeper from 12th Battalion, PAC, Fatehpur on 30.09.2024, however, on the basis of an undertaking dated 19.03.2025 that, in case, any excess amount has been paid that the same is to be recovered an amount of Rs. 3,64,945 stood recovered.
5. Prayer in the present petition is for direction to refund the said amount.
6. Learned counsel for the writ petitioner submits that though the writ petitioner happens to have tendered an undertaking but the same was post retirement and further according to the writ petitioner, the writ petitioner being a Sweeper was not well aware about the import and impact and effect of the undertaking and further assuming without admitting that the undertaking stood submitted but the writ petitioner disputes the quantum of the recovery being sought to be made.

7. Sri Jitendra Prasad, learned Standing Counsel, on the basis of the instructions so received by him, submits that once the writ petitioner had submitted an undertaking then he is to abide by the same and he cannot be resile from the obligation so said therein.

8. I have heard the submission so made across the bar and perused the record.

9. Apparently, the writ petitioner happens to be a class IV employee who claims to have retired on 30.09.2024 and on the basis of an undertaking recovery had been made for the excess amount. Since, it is the stand of the writ petitioner that he is disputing the quantum of the recovery and also the factum of submission of undertaking, thus, in the fitness of the matter bearing in mind the overall fact situation, the writ petition stands **disposed of** directing the writ petitioner to approach the third respondent, Commandant, 12th Battalion PAC, Fatehpur while filing a comprehensive representation and on the said motion, the third respondent shall decide the claim of the writ petitioner within a period of two months therefrom.

10. As regards the issue with regard to the undertaking which is stated to be dated 13.08.2024 which is appended as Annexure-2 to the instructions is concerned, the authorities while deciding the claim shall also advert to the said aspect of the matter.

11. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

March 11, 2026
Rajesh