

Court No. - 20

Case :- WRIT - A No. - 8121 of 2023

Petitioner :- Nasim Ahmad Ansari

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Govt. U.P. Lucknow And 3 Others

Counsel for Petitioner :- Mohd. Ateeq Khan

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed seeking a direction to opposite parties for payment of salary for the suspension period 09.05.1994 to 30.08.1996.
3. It has been submitted that earlier criminal proceedings were initiated against petitioner by FIR no.35 of 1983 dated 13.03.1982 and was therefore suspended from service. It is submitted that subsequently petitioner was convicted in Sessions Trial whereafter Criminal Appeal was filed before this Court in which petitioner was acquitted by means of judgment and order dated 08.03.2017. Petitioner does not have any knowledge of appeal being filed thereagainst. It is submitted that in pursuance of petitioner's acquittal, he was reinstated in service and all service benefits except for salary for the aforesaid have been paid to him and petitioner is also in receipt of pensionary benefits since his superannuation.
4. It is submitted that vide letter dated 05.10.2021, the Assistant Police Commissioner, Varanasi has also made a recommendation for payment of aforesaid benefits to petitioner, which however still pending consideration.
5. For the aforesaid grievance, petitioner has already submitted a representation but seek liberty to file a fresh representation before the concerned authority. At present learned counsel for petitioner restricts his prayer for a final decision with regard to same.
6. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No.3 i.e. Director General of Police, Lucknow. In case such a representation is filed, the same shall be considered and decided in the light of petitioner's acquittal

within a period of six weeks from the date a certified copy of this order is produced before the said authority.

7. In case petitioner is found entitled for the aforesaid relief, payment of outstanding amount shall be made to him within a period of eight weeks.

8. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 18.10.2023

Subodh/-