2026:AHC:210656

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17561 of 2019

Gandharva Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Kumar Tiwari
Counsel for Respondent(s)	:	Ashok Kumar Pandey, C.S.C.

Court No. - 34

(Sl.No.8)

HON'BLE ANISH KUMAR GUPTA, J.

1. The instant writ petition was filed on behalf of the petitioner.

2. On 02.12.2019, this Court passed the following order:

> *"Heard learned counsel for the petitioner and Sri Dinesh Singh, learned Standing Counsel appearing on behalf of all the respondents.*
>
> *It appears that on account of incorrect posting made by the respondents in the Provident Fund Account of the petitioner, a sum of Rs.7,52,000/- was shown to his credit. The petitioner withdrew a sum of Rs.7,00,000/- from his Provident Fund account prior to his retirement. He has since retired from service on 30.04.2015. Lateron, it was detected that the posting in his Provident Fund Account was made in error by the office of the Accountant General and that led to an incorrect balance being reflected in the petitioner's Provident Fund Account, which he withdrew. Now, the respondents have determined that the correct credit in the petitioner's Provident Fund account is a sum of Rs.4,84,523/-. By the order impugned, the respondents have ordered the petitioner to refund a sum of Rs.1,61,631/-, which includes a sum of Rs.61,631/- towards interest.*
>
> *Considering the facts and circumstances of the case that the withdrawal has been occasioned on account of negligence of the respondents where the petitioner's says that he has withdrawn in excess a sum of Rs.1,00,000/- alone, a prima facie case is made out.*

Admit.

Issue notice.

Sri Dinesh Singh, learned Standing Counsel is granted three weeks time to file a counter affidavit on behalf of all the respondents.

List for orders on 02.01.2020 along with a report regarding status of pleadings.

Order on Civil Misc. Stay Application No.01 of 2019

Issue notice returnable on 02.01.2020.

Meanwhile, subject to the petitioner depositing a sum of Rs.1,00,000/- within a period of one month of date, recovery of the balance shall remain suspended. "

3. Thereupon, on 17.04.2026, this Court passed the following order:

"1. List revised. None appears on behalf of the petitioner to press this writ petition. Vide order dated 2.12.2019, petitioner was directed to deposit Rs. one lakh within a period of one month. Learned counsel for the respondent is directed to ascertain as to whether this amount of Rs. one lakh has been deposited by the petitioner within the stipulated period or not.

2. Put up this matter on 23.4.2026 peremptorily. "

4. Again the matter was listed on 04.08.2026, when this Court passed the following order:

"1. List revised.

2. None appears for the parties.

3. Put up this matter on 07.10.2026."

5. Today, learned Standing Counsel for the State has provided the written instructions dated 21.04.2026, according to which, the petitioner in terms of the order dated 02.12.2019 has deposited the amount of Rs. 1,00,000/- by Cheque No. 756342 on 26.12.2019 through challan in the State Bank Civil Line branch Bulandshahr. However, from the order dated 17.04.2026 as well as the order dated 04.08.2026, it is apparent that counsel for the petitioner is repeatedly not appearing in the instant petition.

6. Accordingly, the instant petition is **dismissed** for want of prosecution.

(Anish Kumar Gupta,J.)

October 7, 2026
Ashish Pd.

Digitally signed by :-
ASHISH PRASAD
High Court of Judicature at Allahabad