2026:AHC:209943

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16537 of 2026

Imitiyaj Khan

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sriprakash Tripathi
Counsel for Respondent(s)	:	C.S.C., Suresh Chandra Dwivedi

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel representing State-respondents and perused the record on board.

2. This writ petition has been filed, inter alia, seeking the following reliefs:

> *"(i) Issue a writ, order or direction in the nature of MANDAMUS commanding the respondent authorities to consider the count, in accordance with the applicable pension rules and Government Orders, the continuous service rendered by the petitioner from his initial appointment dated 28.07.1989 till his formal regularization dated 01.01.2010, for the purpose of determining his qualifying service for pensionary and other retiral benefits.*
>
> *(ii) Issue a writ, order or direction in the nature of MANDAMUS commanding the respondent authorities to determine the petitioner's entitlement to the Old Pension Scheme/pensionary benefits by taking into consideration his service rendered from 28.07.1989, in accordance with the applicable statutory provisions, Government Orders and the law applicable to the petitioner, and thereafter release all consequential pensionary and retiral benefits, including arrears, if found due.*
>
> *(iii) Issue a writ, order or direction in the nature of MANDAMUS commanding the respondent authorities to decide the representation of the petitioner for counting his pre-regularization service for pensionary benefits by passing a reasoned and speaking order within a time-bound period fixed by this Hon'ble Court."*

3. Learned counsel appearing for the petitioner submits that the petitioner is entitled to pensionary benefits, having reckoned his entire service from the date of his initial appointment in terms of the judgment passed by Hon'ble

Supreme Court in the case of **Prem Singh vs. State of U.P. and Others, reported in 2019 SCC OnLine SC 1134**. He further submits that similarly situated employee has been granted pensionary benefits vide order dated 03.09.2026 passed by the Division Bench of this Court in **Special Appeal No. 753 of 2022 (State of U.P. and 3 Others vs. Ram Prasad Yadav and 2 Others).**

4. Sri Suresh Chandra Dwivedi, learned counsel appearing for the respondents No. 2 and 3 has contended that the grievance of the present petitioner raised in the instant writ petition can be more appropriately redressed by the Executive Officer (respondent No. 3), and he has no objection, in case, a direction is issued for expeditious disposal of a fresh representation to be moved by the petitioner within such stipulated period as may be directed by this Court.

4. In this conspectus, as above, no useful purpose would be served by keeping this matter pending. Therefore, this Court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case, with liberty to the petitioner to move a fresh representation before the Executive Officer (respondent No. 3), to ventilate his grievance, as averred in the present writ petition, within a period of three weeks from today, along with a certified copy of this order and a self attested copy of the present writ petition, and, in turn, he shall consider and decide the same in accordance with law expeditiously, preferably, within a period of **three months** from the date of production of such representation.

5. With the aforesaid observation, present writ petition is **disposed of.**

October 7, 2026
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(Dinesh Pathak,J.)

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad