



**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 3479 of 2026**

Raj Shekhar Upadhyay

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devansh Misra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

Contention of the learned counsel for the writ petitioner is that the impugned orders cannot be sustained, particularly, though the writ petitioner superannuated on 28.02.2022 but the departmental proceedings stood initiated on 31.01.2026 while issuing charge-sheet relatable to the charges for the period of more than four years i.e. 09.01.2021 to 12.02.2021. Contention is that in view of the language employed in Article 351-A, the Governor can withhold or withdraw the pension of the pensioner if the pensioner is found in departmental or judicial proceedings to have been guilty of misconduct but according to the writ petitioner in view of the explanation (a) and (b), the departmental proceedings can only be deemed to have been initiated once a charge-sheet came to be served or the pensioner was placed under suspension and further judicial proceedings is deemed to have been instituted on the date when the complaint is made or the charge-sheet has been submitted. According to the learned counsel for the writ petitioner, there has been no criminal proceedings initiated against the writ petitioner and so far as the events which entailed lodging of the proceedings are concerned, they are beyond four years.

Shri R.S. Umrao, learned Standing Counsel seeks time to obtain instructions/ file affidavit.

Put up this case on 28.03.2026 as fresh.

As regards, the sanction of the order, sanctioning proceedings by the Governor is concerned, the same be also produced/ filed.

March 13, 2026
Ashu

(Vikas Budhwar,J.)