



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 13635 of 2022

Babu Ram Sharma

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Jai Shanker Misra, Nand Lal Pandey,
Vijai Shanker Shukla
Counsel for Respondent(s) : C.S.C.

Court No. - 39
(Sl.No.146)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Jai Shanker Misra, learned counsel for the petitioner and Sri Raj Kumar Singh, learned Standing Counsel for the State.
2. The instant petitioner has been filed seeking quashing of the order dated 16.03.2022 whereby it has been recorded that all the retiral benefits while considering the services of the petitioner from 31.07.1989 to 30.09.1997 have already been paid, therefore, no further benefit can be granted to the petitioner.
3. Learned counsel for the petitioner submits that the petitioner has earlier approached this Court by filing a Writ-A No.6386 of 2008 (Babu Ram Sharma vs State of UP and others), which was disposed of vide order dated 23.05.2018 with the following observation:

"In view of above, the Court fails to understand as to under what circumstances, respondent did not find that petitioner to be entitled to continue as Seasonal Collection Amin from 23rd January, 2008. The question of regularization/ substantive appointment taken for consideration under the Rules is only dependent upon working as Seasonal Collection Amin and the results of collection he had shown in the last four faslis. This being the legal position of regularization or offering regular substantive appointment, he could have been considered only on the ground that petitioner's working in past, meaning thereby respondents have thus admitted that petitioner continued as Seasonal

Collection Amin for all these years and with his position intact in the select list, though, he was not allotted work for the reason best known to the respondents. Thus petitioner shall be treated to have continued as Seasonal Collection Amin even after the order was passed on 23rd January, 2008. Suffice it to say that services of the petitioner from 1989 till date of regularization/ / regular substantive appointment and other notional benefits as consequence to the regularization/ regular appointment. Since petitioner services being regularized it is clearly established that past service of petitioner have been taken into account as it is quite obvious that, the period during which he was not given collection work, was being condoned.

In view of the above I hold the petitioner to be entitled to regular substantive appointment w.e.f his juniors were appointed as such and whose names figure in the report dated 21st August, 2012 (supra).

Writ petition is, accordingly allowed with a direction to the District Magistrate to pass appropriate order in the light of the observations made hereinabove positively within a period of one month from the date of production of certified copy of this order. "

4. Pursuant to the aforesaid order, the retiral benefits were granted to the petitioner vide order dated 29.05.2019 whereas the payments have been made from the date 01.10.1997 when the petitioner was actually regularized and not from the year 1989 as was directed vide order dated 23.05.2018. Therefore, the observation in the impugned order that all the benefits have been granted to the petitioner considering his service from 31.07.1989 to 30.09.1997 have already been granted, is nothing but a false statement by the respondent in the impugned order. Therefore, the petitioner has claimed that he should be granted all the benefits in terms of the order dated 23.05.2018 passed by this court in writ-A No. 6386 of 2008.

5. In the counter affidavit, the stand has been taken that the petitioner is claiming the benefit since 1989 by the wrong interpretation of the order dated 23.05.2018, and his initial adhoc appointment dated 31.07.1989 cannot be taken into consideration for counting of service in view of the Uttar Pradesh Qualifying Service for Pension and Validation Act, 2021

(Act number 1 of 2021). So far as the order dated 23.05.2018, that has become final between the parties as no appeal was preferred by the state.

6. In the considered opinion of this Court, this Court has specifically directed the respondents to count the services of the petitioner from 1989 till regularization for the purpose of granting all substantive benefits after his regularization, including the retiral benefits. Therefore, the submissions made in para-17 of the counter affidavit is not sustainable.

7. In view thereof, the respondent No. 3 is directed to ensure that all the consequential benefits to the petitioner be granted considering his services from 31.07.1989 to 30.09.1997 when he has worked as adhoc employee as was directed by order dated 23.05.2018. A compliance affidavit shall be filed by respondent no. 3 within a period of three weeks from today, failing which the respondent no. 3 shall be personally present in Court on the next date of listing.

8. List this matter on **18.02.2026**.

(Anish Kumar Gupta,J.)

January 27, 2026

Ashish Pd.