**IN THE HON’BLE HIGH COURT OF JUDICATURE AT**

**ALLAHABAD, LUCKNOW**

Writ Petition No. (WRIT-A) of 2025

Retired Constable Amar Singh alias Amar Singh Yadav (PNO No. 752410456) .........Petitioner

Versus

State of U.P. & others .........Opposite Parties.

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**Place: Lucknow Arpan Prakash Srivastava**

**Dated:** (Advocate)

AOR- B/A-2718

Reg. No. UP5773/2020

Mob: 8400231200

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**LIST OF DATED AND EVENTS**

|  |  |  |
| --- | --- | --- |
| **S. NO.** | **Dates** | **Events** |
| 1. | 1. 1985 | The petitioner was eloped in two false and fabricated criminal cases i.e., Case Crime No. 248 of 1989 under section 342, 330, 218, 120-B IPC P.S. Bilhor District Kanpur and Case Crime No. 130 of 1995 under section 409, 201 and 202 IPC P.S. Bilhor District Kanpur. |
|  | 05.03.2009 | The petitioner was exonerated in case crime no. 130 of 1995 under section 409, 201 and 202 IPC from the court of Learned Additional Sessions Judge, Kanpur Dehat. |
| 2. | 31.07.2013 | The petitioner was retired from the post of Constable from Uttar Pradesh Police Department, Farukhabad. |
| 3. | 20.06.2016 | The petitioner was also exonerated in Case Crime No. 248 of 1989 under section 342, 330, 218, 120-B IPC from the court of Learned Chief Judicial Magistrate, Kanpur Dehat |
| 4. | 25.07.2024 | The petitioner has sent a representation letter to the O.P No. 4 to release the regular pension of the petitioner and other retiral dues |
| 5. | 31.07.2024 | The O.P No. 4 vide letter No. P-05/2013 dated 31.07.2024 ask for the status of state appeal, if any, from the Joint Director, Prosecution, District Court, Kanpur Dehat |
| 6. | 12.11.2024 | The office of City Magistrate, Kanpur Nagar, vide letter no. MEMO/J.A./ 2024 dated 12.11.2024 sent a response to Joint Director, Prosecution, Kanpur Dehat that against the acquittal order dated 30.03.2009 and 20.06.2016, no state appeal has been preferred. |
| 7. | 31.07.2013- till date | Since the superannuation of the petitioner, the petitioner is getting a minimal amount i.e., 10,000/- from 31.07.2013 to 31.12.2022 and Rs. 14063 from 01/01/2022 to 31.09.2024 and Rs. 16043 from 01.10.2024 till date and no other benefits has been provided by the Department to the petitioner. |
| 8. | 05.03.2025 | The petitioner has sent a detailed representation to the O.P No. 2,3 and 4 dated 05.03.2025 but till date no response has been received by the petitioner. |
| 9. |  | All the other co-accused in both the criminal case mentioned herein above has been granted by the regular pension and all the other retiral dues as well as arrears but it was only the petitioner who has not got his regular pension along with other retiral benefits. |
| 10. |  | **Hence, this writ petition** |

**Place: Lucknow Arpan Prakash Srivastava**

**Dated:** (Advocate)

AOR- B/A-2718

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**APPLICATION FOR INTERIM RELIEF**

The humble petitioner named above most respectfully begs to state as under: -

That for the facts, reasons and circumstances stated in the accompanying writ petition supported by an affidavit duly sworn by the petitioner herself, it is most humbly and respectfully prayed that during pendency of the instant writ petition, the Opp. Party no. 3 may be directed to release the regular pension, gratuity, leave enacashment and other retiral benefits of which the petitioner is entitled for as per the law, in the interest of justice.

Any other order or direction which this Hon’ble Court may deem just and proper may also be passed in interest of the justice.

**Place: Lucknow Arpan Prakash Srivastava**

**Dated:** (Advocate)

AOR- B/A-2718

Reg. No. UP5773/2020

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**IN THE HON’BLE HIGH COURT OF JUDICATURE AT**

**ALLAHABAD, LUCKNOW**

Writ Petition No. (WRIT-A) of 2025

Retired Constable Amar Singh alias Amar Singh Yadav (PNO No. 752410456) S/o Phool Singh Yadav R/o Village Mahmoodpur, P.S Ayana, District Auraiya Currently Residing at 272, Mangala Vihar 2, Sanigawan Road, Kanpur Nagar. .........Petitioner

Versus

1. State of U.P. through Principal Secretary, Home, Government of U.P, Civil Secretariat, Lucknow
2. Director General of Police, Uttar Pradesh, Lucknow
3. Finance Controller, Police Headquater, Uttar Pradesh, Lucknow.
4. Superintendent of Police, District Farukhabad

.........Opposite Parties.

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTTION OF INDIA**

**To,**

The Hon’ble Chief Justice and his other Companion Judges of the aforesaid Hon’ble High Court.

The humble petitioner of the above-named petitioner, most respectfully showeth as under: -

1. That the petitioner declares that this is the first writ petition being filed by him, no other writ petition or application regarding the present subject matter or cause of action has previously been filed before this Hon’ble Court either at Allahabad or at Lucknow.
2. That petitioner further declares that he has not been served any notice through registered post or otherwise from the opposite parties in the present writ petition.
3. That the instant writ petition is being filed seeking a writ petition in the nature of mandamus, to direct the opposite party no. 3 to release the regular pension of the petitioner from the date of his retirement, gratuity, leave encashment and other retiral dues of which the petitioner in entitled for.
4. That the succinct facts about the case is that the petitioner was retired from the post of Constable from Uttar Pradesh Police Department, Farukhabad on 31.07.2013.
5. That it is pertinent to mention here that during the service period of the petitioner, the petitioner was eloped in two false and fabricated criminal cases i.e., Case Crime No. 248 of 1989 under section 342, 330, 218, 120-B IPC P.S. Bilhor District Kanpur and Case Crime No. 130 of 1995 under section 409, 201 and 202 IPC P.S. Bilhor District Kanpur.
6. That due to lodging of the criminal cases mentioned herein above, the regular pension and other retiral dues of the petitioner was not released at the time of his superannuation.
7. That the criminal trial was initiated in both the case and after the conclusion of the criminal trial, the petitioner was exonerated in case crime no. 130 of 1995 under section 409, 201 and 202 IPC from the court of Learned Additional Sessions Judge, Kanpur Dehat vide order dated 05.03.2009 and the petitioner was also exonerated in Case Crime No. 248 of 1989 under section 342, 330, 218, 120-B IPC from the court of Learned Chief Judicial Magistrate, Kanpur Dehat vide order dated 20.06.2016. Trues copies of the orders dated 05.03.2009 and 20.06.2016 is annex herewith as **ANNEXURE NO. 1**
8. That the petitioner has sent a representation letter to the O.P No. 4 to release the regular pension of the petitioner and other retiral dues dated 25.07.2024. Copy of the representation letter dated 25.07.2024 is annex herewith as **ANNEXURE NO. 2**
9. That it further submitted before the Hon’ble Court is that the O.P No. 4 vide letter No. P-05/2013 dated 31.07.2024 ask for the status of state appeal, if any, from the Joint Director, Prosecution, District Court, Kanpur Dehat. Copy of the letter dated 31.07.2024 is annex herewith as **ANNEXURE NO. 3**
10. That it is also relevant to mention here that the office of City Magistrate, Kanpur Nagar, vide letter no. MEMO/J.A./ 2024 dated 12.11.2024 sent a response to Joint Director, Prosecution, Kanpur Dehat that against the acquittal order dated 30.03.2009 and 20.06.2016, no state appeal has been preferred. Copy of the letter dated 12.11.2024 is annex herewith as **ANNEXURE NO. 4**
11. That it is very relevant to mention before the Hon’ble Court is that since the superannuation of the petitioner, the petitioner is getting a minimal amount i.e., 10,000/- from 31.07.2013 to 31.12.2022 and Rs. 14063 from 01/01/2022 to 31.09.2024 and Rs. 16043 from 01.10.2024 till date and no other benefits has been provided by the Department to the petitioner**.**
12. That it is pertinent to mention here that the age of petitioner is 71 years and has been suffering from certain medical ailments.
13. That the young son of the petitioner was dies last year and hence the petitioner has no one on his back to help him mentally, physically and financially.
14. That the petitioner does not have enough financial source to survive and the department is only providing a minimal financial assistance of Rs. 16,000/- to the petitioner which is not enough to meet the vital needs of the petitioner.
15. That it is pertinent to mention here that the petitioner has sent a detailed representation to the O.P No. 2,3 and 4 dated 05.03.2025 but till date no response has been received by the petitioner. Copy of representation letters dated 05.03.2025 along with original postal receipts is annex herewith as **ANNEXURE NO. 5**
16. That it is pertinent to mention here that the after getting acquitted/ exonerated in both the criminal cases lodged against the petitioner, the regular pension of the petitioner and other retiral dues as well as arrears of the petitioner has not been released by the Department.
17. That the petitioner personally visited the Department and prayed for releasing of his regular pension and other retiral dues as well as arrears of which the petitioner is entitled for but no satisfactory response has been given by the department.
18. That it is very exigent to mention here that all the other co-accused in both the criminal case mentioned herein above has been granted by the regular pension and all the other retiral dues as well as arrears but it was only the petitioner who has not got his regular pension along with other retiral benefits.
19. That the petitioner has no other equally efficacious and alternative remedy available to him, files this instant writ petition on the following amongst other grounds.

**GROUNDS**

1. **BECAUSE,** the action of opposite parties whereby not releasing the regular pension of the petitioner and other retiral dues as well as arrears causes huge injustice to the petitioner.
2. **BECAUSE,** the the petitioner has been retired on 31.07.2013 from the post of Constable in Uttar Pradesh Police, District Farukhabad.
3. **BECAUSE,** the after an elapse of more than 11 years, the regular pension of the petitioner has not been released by the Department.
4. **BECAUSE,** the during the serving period of the petitioner, two false and frivolous criminal cases were registered against the petitioner which are Case Crime No. 248 of 1989 under section 342, 330, 218, 120-B IPC P.S. Bilhor District Kanpur and Case Crime No. 130 of 1995 under section 409, 201 and 202 IPC P.S. Bilhor District Kanpur.
5. **BECAUSE,** the petitioner was exonerated in both the criminal cases i.e., case crime no. 130 of 1995 under section 409, 201 and 202 IPC from the court of Learned Additional Sessions Judge, Kanpur Dehat vide order dated 05.03.2009 and the petitioner was also exonerated in Case Crime No. 248 of 1989 under section 342, 330, 218, 120-B IPC from the court of Learned Chief Judicial Magistrate, Kanpur Dehat vide order dated 20.06.2016.
6. **BECAUSE,** the petitioner has sent a representation letter to the O.P No. 4 to release the regular pension of the petitioner and other retiral dues dated 25.07.2024.
7. **BECAUSE,** the O.P No. 4 vide letter No. P-05/2013 dated 31.07.2024 ask for the status of state appeal, if any, from the Joint Director, Prosecution, District Court, Kanpur Dehat.
8. **BECAUSE,** the office of City Magistrate, Kanpur Nagar, vide letter no. MEMO/J.A./ 2024 dated 12.11.2024 sent a response to Joint Director, Prosecution, Kanpur Dehat that against the acquittal order dated 30.03.2009 and 20.06.2016, no state appeal has been preferred.
9. **BECAUSE,** since the superannuation of the petitioner, the petitioner is getting a minimal amount i.e., Rs. 10,000/- from 31.07.2013 to 31/12/2022 and Rs. 14063 from 01/01/2022 to 31.09.2024 and Rs. 16043 from 01.10.2024 till date and no other benefits has been provided by the Department to the petitioner.
10. **BECAUSE,** the age of petitioner is 71 years and has been suffering from certain medical ailments.
11. **BECAUSE,** the young son of the petitioner was dies last year and hence the petitioner has no one on his back to help him mentally, physically and financially.
12. **BECAUSE,** the petitioner does not have enough financial source to survive and the department is only providing a minimal financial assistance of Rs. 16,000/- to the petitioner which is not enough to meet the vital needs of the petitioner.
13. **BECAUSE,** all the other co-accused in both the criminal case mentioned herein above has been granted by the regular pension and all the other retiral dues as well as arrears but it was only the petitioner who has not got his regular pension along with other retiral benefits

**PRAYER**

**WHEREFORE,** for the facts reasons and circumstances and grounds stated in the foregoing paragraphs, it is most respectfully prayed that the Hon’ble Court may be graciously be pleased:

1. To issue writ, order direction in the nature of mandamus, commanding the Opposite Parties especially O.P No. 3 to release the regular pension of the petitioner, gratuity, leave encashmnet and other retiral benefits of the petitioner of which the petitioner is entitled for as per the law along with the arrears.
2. To issue writ, order or direction in the nature of mandamus commanding and directing the Opposite Parties to decide the representation of the petitioner dated 05.03.2025 by reasonable and detailed order.
3. To issue any writ, order or direction as this Hon’ble Court deems just and proper, in the interest of justice.
4. To award the cost of the petition to the petitioner.

**Place: Lucknow Arpan Prakash Srivastava**

**Dated:** (Advocate)

AOR-B/A-2718

Reg: UP5773/2020

Mob: 8400231200

(Counsel For the Petitioner)

**IN THE HON’BLE HIGH COURT OF JUDICATURE AT**

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Versus

1. State of U.P. through Principal Secretary, Home, Government of U.P, Civil Secretariat, Lucknow
2. Director General of Police, Uttar Pradesh, Lucknow
3. Finance Controller, Police Headquater, Uttar Pradesh, Lucknow.
4. Superintendent of Police, District Farukhabad

.........Opposite Parties.

**AFFIDAVIT IS SUPPORT OF WRIT PETITION**

I, **Amar Singh Yadav** aged about 71 years, son of Phool Singh Yadav R/o 272, Mangala Vihar 2, Sanigawan Road, Kanpur Nagar, Occupation- Retired Government Servant, Qualification- Literate, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner himself and swear and file affidavit before the Hon’ble High Court and doing pairvi as such he is fully conversant with the facts and circumstances of the case deposed here under.
2. That the contents of paragraphs of the accompanying writ petition are true to my personal knowledge, and contents of paragraphs are believed to be true on the basis of information received from records and those of paras believed to be true on the basis of legal advice.
3. That the Annexure No. 1 to 5 of the accompanying writ petition are the true/ Photostat copies of their respective originals and are duly compared by the deponent.

**LUCKNOW:**

**DATED: /2025**  **DEPONENT**

**VERIFICATION**

I the above-named deponent do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed.

**So, help me God.**

**LUCKNOW:**

**DATED: /2025.** **DEPONENT**

I, identify the deponent

Who has signed before me.

**ADVOCATE**

Solemnly affirmed before me on

At a.m. /p.m. by the deponent, who is identified by **Arpan Prakash Srivastava, Advocate,** High Court, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit, which have been read over and explained to him by me.

**OATH COMMISSIONER**