

ITEM NO.31

COURT NO.12

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 33998/2026
[Arising out of impugned final judgment and order dated 10-04-2024 in WA No. 24996/2018 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

JAGDISH PRASAD TRIPATHI**Petitioner(s)****VERSUS****STATE OF U.P. THROUGH ITS PRINCIPAL SECRETARY & ORS. Respondent(s)****(IA No. 197066/2026 - CONDONATION OF DELAY IN FILING)****Date : 01-10-2026 This matter was called on for hearing today.****CORAM :**

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Ms. Anita Tripathi, Sr. Adv.
Mr. Umesh Dubey, AOR
Mr. Anshuman Tripathi, Adv.
Mr. Mohnish Nirwan, Adv.
Mr. Ashok Kumar, Adv.
Mr. Mithilesh Kumar Mishra, Adv.
Mr. Sudhanshu Tiwari, Adv.

For Respondent(s) : Ms. Ruchira Goel- 2477, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. This is a very unfortunate case. The petitioner was appointed in the year 1984 to the post of Peon in the Jan Sevak Uchchattar Madhyamik Vidyalaya, Para Basupur Akhand Nagar, District-Sultanpur. After a long service of nearly thirty-two years, petitioner superannuated on 31.07.2016. Petitioner's service was a pensionable service. Petitioner made a request to release his pension repeatedly. The

petitioner filed a complaint online to the District Magistrate, Sultanpur on 17.03.2018. Subsequently, also several complaints were filed.

2. Left with no other option on 29.08.2018, petitioner filed Writ Application No.24996/2018 before the High Court of judicature at Allahabad, Lucknow Bench, Lucknow for payment of retiral benefits.

3. The matter was pending in the High Court and on 17.04.2023 an order was made to list the case in the week commencing 15.05.2023. Thereafter the matter was taken up on 10.04.2024 wherein the Court directed the Office to trace and place on record the short counter affidavit filed by the State. After the hearing on 10.04.2024, the case was not listed thereafter.

4. On 08.10.2025, the petitioner filed C.M. Application No.181662 of 2025 in the pending writ petition for early hearing and disposal of the Writ Petition. It transpires that on 30.04.2026 that application was disposed of without fixing any date. The petitioner then filed a Special Leave Petition before this Court challenging the order of 10.04.2024 which had directed the tracing out of the counter affidavit and placing it on the record.

5. The matter came up before us and when we read through the records, we were shocked to know that for the last ten years after superannuation for no fault of the petitioner, the petitioner has not been paid his retiral

dues. Though the order impugned was only an order fixing a date and though we do not interfere with such orders, considering the fact that the issue pertains to the livelihood of and dignity of the petitioner, we issued notice to the State and requested Ms. Ruchira Goel, learned standing counsel to obtain instructions and assist us at the next date of hearing.

6. We were also informed by Ms. Anita Tripathi, learned senior counsel for the petitioner that after nine years in 2025, the gratuity amount alone was paid.

7. Ms. Ruchira Goel, learned senior counsel acted with promptitude and made sure that the State filed a compliance affidavit dated 08.09.2026. The compliance affidavit first set out that since the petitioner was absent between 20.07.2009 and 30.11.2010 only provisional pension had been approved. It was also averred that after approval of the provisional pension, the petitioner was requested to submit relevant documents and that the petitioner did not respond. In the very next paragraph (paragraph 12), it is averred that the petitioner salary was indeed paid between 20.07.2009 and 30.11.2010 and that there was no interruption from service.

8. Paragraph Nos. 11 and 12 of the compliance affidavit are set out hereinbelow:

"11. It is submitted that the Petitioner was absent from 20.07.2009 to 30.11.2010, and his service was interrupted, as a result of which only provisional

pension had been approved by the then District basic Education Officer, Sultanpur. After approval of the provisional pension, the Petitioner was repeatedly requested to submit the relevant documents so that the provisional pension due could be paid. However, the petitioner neither responded to such requests, nor appeared personally.

12. It is submitted that after examination of the Petitioner's file by the Block Education Officer, Bhadaiya Sultanpur, it was observed that the Petitioner's salary for the period between 20.07.2009 and 30.11.2010 was paid, indicating there was no interruption in service. In view thereof, vide Letter No.Non-Govt. Sec./11803-11/2026-27, dated 06.08.2026. District Basic Education Officer, Sultanpur cancelled the previously approved provisional pension and granted a recommendation for final pension. After verification of the Petitioner's file, the same has been forwarded to the Additional Director, Treasury and Pension, Ayodhya Division, Ayodhya for approval vide Letter No.11832-33/2026-2027 dated 06.08.2026."

9. It transpires that after noticing that the petitioner was indeed paid salary from 20.07.2009 to 30.11.2010; the District Basic Education Officer, Sultanpur cancelled the provisional pension order and granted a recommendation for final pension and forwarded the same to the Additional Director, Treasury and Pension, Ayodhya Division, Ayodhya for approval vide order dated 06.08.2026. It was further averred that the pension payment order was issued on 05.09.2026 determining the pension of the petitioner as follows:

"That vide Pension Payment Order No.502/A.D./M.I.-012/194/021364/CR dated 05.09.2026, the Additional Director Treasury and Pension Ayodhya Division sanctioned the Petitioner's pension in the following terms:

- a. Pension before commutation-Rs.-14000+relief
- b. Pension after commutation -Rs.11200+relief

c. Calculation of family pension-Rs.9000+relief

d. Amount of gratuity -Rs.4,49,820 (Four lakh forty nine thousand eight hundred twenty only)

e. Commutation of pension at the rate of $1/5$ - Rs.2,64,163 (Two Lakh Sixty Four Thousand One Hundred Sixty Three only)

True copy alongwith translated Copy of the Order dated 05.09.2026 is annexed herewith and marked as Annexure R/1."

10. It was stated that if the petitioner appears before the Senior Treasury Officer, Sultanpur, the disbursal should be made.

11. It was further averred that on 05.02.2025 an amount of Rs.7,16,295/- was disbursed towards petitioner's General Provident Fund(GPF). Since we wanted that the petitioner should see the colour of some money payable towards him as legitimate retiral dues, we adjourned the matter to today i.e. 01.10.2026.

12. Today Ms. Anita Triparthi learned senior counsel for the petitioner and Ms. Ruchira Goel learned standing counsel for the respondent jointly report that the disbursal has been made including disbursal towards amount of arrears.

13. Another compliance affidavit has been handed over today which states that apart from the amount mentioned in the pension payment order and the disbursal of amount towards General Provident Fund (GPF), the petitioner has been given arrears of pension and other benefits amounting to Rs.29,06,663/- on 14.09.2026. It is also set out that

the petitioner will be getting regular monthly pension of Rs.11,200/- along with Dearness allowance.

14. We are not just taken aback but we are totally aghast that this can happen to an employee who was given dedicated service 32 years. It should not be forgotten that the petitioner joined as a peon and superannuated on 31.07.2016 in the same post. This Court has reiterated times without number that pension is neither a bounty or a charity but is a deferred payment for services already rendered. In other words, it means that a portion of the salary payable every month is kept back and it is paid after the employee superannuates.

15. We really wonder how the petitioner has survived for the last eleven years.

16. Even though the petitioner moved the writ petition in the High Court as early as in 2018, nothing has happened in the last eight years. First of all the State had the responsibility on the superannuation of the petitioner as a model employer to clear the pension papers expeditiously. That was not done. On the contrary, an absolute non-issue was raised about the petitioner being probably absent from 20.07.2009 to 30.11.2010 and a provisional order resulted. Very soon the department realised that there was a mistake and corrected the error.

17. Grave injustice has been done to the petitioner. We are not prepared to leave the matter to rest here. This unfortunate calamity should not befall any other employee. Ms. Ruchira Goel submits that if some time is given, she will come out with an affidavit explaining as to what led to the delay.

18. However, we are of the opinion that the Chief Secretary of the State of Uttar Pradesh should furnish a report on the following issues:-

1. As to why pension papers were immediately not cleared soon after the superannuation of the petitioner on 30.07.2016;
2. What was the reason that led to the delay and who were the officers/employees at different stages who were responsible for the delay;
3. As to what action is proposed to be taken against the officers/employees who were responsible for the delay; and
4. In what manner the State proposes to compensate the petitioner for the serious violation of rights of the petitioner.

19. Let the report be given to us on or before 31.12.2026.

20. We also direct that the Chief Secretary shall issue necessary orders/Standard Operating Procedures(SOP) if not

already issued to ensure that pension papers of employees like the petitioner(s) who are legitimately entitled to their pension are not delayed even by a day.

21. We also notice from the record that petitioner has had an unblemished service of 32 years.

22. Petitioner has been making repeated requests on the ground that 71 years of age and that he is beset with several medical complications. We are sorry to note that when we have been agonized to read this, the Department has shown absolutely no concern for the cause of the petitioner and only after our intervention the legitimate dues and arrears have been released.

23. Let a copy of the order be sent to the Registrar of the High Court at Allahabad with a direction to place the matter before Hon'ble the Chief Justice of the Allahabad High Court. We request the Chief Justice to examine if matters pertaining to non-release of pension can be given prioritised hearing and early disposal.

24. We also direct a copy of the order be sent to the Chief Secretary, State of Uttar Pradesh for urgent action.

25. List the matter on 04.01.2027.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(NIKITA SINGH)
COURT MASTER (NSH)