HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 166 of 2025

Bhanu Shanker Dwivedi

.....Petitioner(s)

Versus

State Of U.P.Thru. Prin. Secy. Revenue Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Piyush Pathak, Virendra Singh Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the petitioner and learned counsel for the State.

Present petition has been filed assailing the order dated 17.12.2024 passed by the District Magistrate, Unnao whereby the claim of the petitioner for regularization has been rejected.

The contention put forth by learned counsel for the petitioner is that the petitioner was initially appointed on the post of Seasonal Collection Amin on 2.2.1989 and he kept on working till his date of superannuation, i.e., 30.9.2024. He further submitted that identically situated employees of the same department have been considered and they have been given benefit of regularization.

He has also drawn attention of this Court towards one of the employees of the Department, namely, Nand Kishore, though senior to the petitioner, who died-in-harness and after the Judgment and order dated 23.5.2024 passed by this Court in Writ-A No.6865 of 2013, the son of Nand Kishore was considered for appointment under the provisions of

U.P. Recruitment of Dependents of Government Servant (Dying-in-Harness) Rules, 1974 and further services of Nand Kishore was also treated to be regularized. Further submission is that that the retirement of an employee does not make nullity of his claim regarding regularization, if rules, regulations and laws permit so.

He argued that all the persons in the list of seniority, have been regularized and it is not the case of the petitioner that the petitioner's claim is being rejected on the ground that no post is available rather it has been rejected because the petitioner was retired on 30.9.2024. He submitted that in fact, the grounds taken for rejection of the claim of the petitioner for regularization is non est and, therefore, the order impugned dated 17.12.2024 does not stand on its own legs and is liable to be quashed.

On the other hand, learned counsel for the State has opposed the contention aforesaid and submits that no employee junior to the petitioner has been regularized in the Department and detailed order has been passed by the District Magistrate while considering the claim of the petitioner for regularization, thus, there is no ambiguity or erroneousness in the order impugned.

Upon considering the submissions of the learned counsel for the parties and after perusal of the record, it is apparent that the petitioner's name is at serial no.90 of the seniority list issued by the respondent-Department and the petitioner's claim for regularization was decided by the District Magistrate, who is the appointing authority of the petitioner, on 17.12.2024. From

the aforesaid order, it is apparent that the claim of the petitioner has been rejected on the sole premises that the petitioner has been retired after attaining the age of superannuation on 30.9.2024 and therefore, he is not entitled for regularization.

When this Court examines the issue, it seems that the order impugned has been passed without considering the provisions of law and settled proposition of law. The claim of the petitioner for regularization, which was raised prior to the retirement, cannot be rejected only on the ground that the petitioner has been retired as the same would have vitally effect over the post terminal benefits of the petitioner as well as the other benefits. In this view of the matter, the impugned order dated 17.12.2024 is erroneous and without application of mind and thus the same is liable to be quashed.

Consequently, the impugned order dated 17.12.2024 is hereby quashed.

The matter is relegated back to the District Magistrate, Unnao to consider and decide the claim of the petitioner afresh, within a period of six weeks from the date of production of the certified copy of this order, before him.

The writ petition is **allowed** accordingly.

(Shree Prakash Singh,J.)

February 2, 2026
Ram Murti