

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18034/2021

(Arising out of impugned final judgment and order dated 14-07-2021 in SA No. 146/2021 passed by the High Court of Judicature at Allahabad)

MAHANAND PANDEY

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

Date : 30-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Varun Mishra, AOR
Mr. Anand Ji Mishra, Adv.
Mr. Vinod Kumar Mishra, Adv.
Mr. Kaushal Pandey, Adv.
Mr. Subhash Chandra Pandey, Adv.

For Respondent(s) Mr. Ardhendhumauli Kumar Prasad, Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Mr. Amit Singh, Adv.
Ms. Pallavi Kumari, Adv.
Ms. Ananya Sahu, Adv.
Mr. Akshay Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Varun Mishra, learned counsel appearing for the petitioner. The State of Uttar Pradesh is represented by Mr. Ardhendhumauli Kumar Prasad, learned Senior Counsel.

The petitioner retired as Police Sub-Inspector on 31.03.2020. However, he is deprived of his full pension on account of the impugned order passed by the Division Bench of the High Court interfering with the order passed in the petitioner's favour by the learned Single Judge, in the Writ-A No. 2529 of 2021.

The Division Bench by adverting to the Regulations 351-AA and 919-A(3) of the Civil Services Regulations, held that the petitioner is entitled to only provisional pension.

Mr. Varun Mishra, learned counsel refers to the judgment of this Court in *D.V. Kapoor v. Union of India & Ors.* reported in (1990) 4 SCC 314 to argue that condition precedent for withholding pension is only in those circumstances where a delinquent is found guilty of grave misconduct or negligent in the discharge of his public duty. According to the counsel, this was never the case against the petitioner.

Leave granted.

List the matter for hearing on 08.05.2024.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR