



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 51 of 2026

Havaladar Singh

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Bhim Sen Pandey, Kartikey Pandey
Counsel for Respondent(s)	: C.S.C., Manvendra Singh

Reserved on 24.02.2026
Delivered on 19.03.2026

In Chamber

HON'BLE GARIMA PRASHAD, J.

1. Heard Sri Bhim Sen Pandey, learned counsel for the petitioner, Sri Manoj Srivastava, learned Standing Counsel for the State respondents and Sri Manvendra Singh, learned counsel for the respondent Nos.2 & 3.
2. The present writ petition has been filed seeking the following substantial relief:

"Issue writ, order or direction in the nature of mandamus commanding the respondents to compute the petitioner's military service and after its inclusion with present service make fixation as provided under Civil Service Regulation 526 awarding all consequential benefits along with pensionary benefit."

3. Learned counsel for the petitioner submits that the petitioner was appointed as Sailor in the Indian Naval Force on 04.07.1981 and continued till 31.07.1996 i.e. worked for a period of 15 years and 27 days. The petitioner retired from the Naval Force as Petty Officer.

या न्यायाधीश जी के आदेश पर
राज्य सरकार को लिखे गए आदेश का अंश जोड़ा

Pay & Pension में हुई वी.सी.एस. सेवा - - -

28th Mar 2026

Thereafter, the petitioner completed BTC training in the year 2004 and was selected and appointed on the post of Assistant Teacher vide order dated 25.06.2011 in Prathmik Vidyalaya Vhainroli, Block Bewar, District Mainpuri and joined his services on 01.07.2011. The petitioner after attaining the age of superannuation retired from service on 31.03.2025.

4. Learned counsel for the petitioner submits that the petitioner has been making representations requesting the authorities to count his previous military service of 15 years and 27 days for the purpose of pay fixation and pensionary benefits, however no decision has been taken till date.

5. It is submitted that Civil Service Regulation 526 read with Regulation 527 provides that where a person who has rendered military service is re-employed in civil service, the competent authority fixing the pay of the post in which he is re-employed may take into account the previous service rendered by him. It is further submitted that the State Government has issued various Government Orders dated 26.08.1977, 26.03.1980, 18.11.1982, 18.05.1983, 11.02.1987, 05.06.1999 and 30.04.2019, providing the scheme for inclusion of previous military service for the purposes of pay fixation and pensionary benefits.

6. Learned counsel for the petitioner has also relied upon the judgment of this Court in **Hans Nath Dwivedi vs. State of U.P.** (Civil Misc. Writ Petition No. 32139 of 2007 decided on 21.10.2010; reported in 2011 (3) ADJ 735), wherein this Court held that the authorities had misread Civil Service Regulation 526 while denying the benefit of military service and directed fixation of pay by taking into account the previous service rendered in the Army and to grant all consequential benefits accordingly. Similar directions were also issued by this Court in **Hari Chand vs. State of U.P.**, Writ-A No. 36642 of 2015 decided on 23.08.2016, and the said judgments have attained finality.

7. The learned counsel for the respondent submits that the entitlement of the petitioner is not disputed. It is stated that in an

identical matter relating to one Ram Vir Singh, the District Basic Education Officer, Mainpuri has already forwarded recommendations dated 17.07.2025 to the Secretary, Basic Education Board and the matter is under consideration. It is submitted that the grievance of the present petitioner is similar and the matter would be considered once the proposal receives approval from the competent authority.

8. I have considered the submissions advanced by learned counsel for the parties and perused the record.

9. The controversy involved in the present writ petition relates to counting of prior military service of the petitioner for the purposes of fixation of pay and grant of consequential pensionary benefits upon his re-employment in civil service.

10. The petitioner admittedly rendered 15 years and 27 days of service in the Indian Naval Force before joining civil service as Assistant Teacher. The factum of such military service and the subsequent civil service rendered by the petitioner are not disputed by the respondents.

11. Civil Service Regulation 526 provides that when a person who was formerly in military service obtains employment in civil service after having been granted military pension, the authority competent to fix the pay and allowances of the post in which he is re-employed has the power to take into account the amount of such pension while fixing the pay and allowances of the civil post. The regulation thus contemplates that previous military service is liable to be taken into account for purposes of fixation upon re-employment.

12. The said regulation has been clarified and supplemented by various Government Orders issued by the State Government from time to time, particularly Government Orders dated 18.05.1983, 11.02.1987 and 05.06.1999, which lay down the manner in which military pension is to be treated while fixing the pay of military pensioners re-employed in civil service.

13. The issue has already been considered by this Court in ***Hans Nath Dwivedi (supra)***, wherein this Court examined Regulation 526 along

with the aforesaid Government Orders and held that the authorities had misread the regulation while denying the benefit of counting military service to the petitioner therein. The Court held that the Government Orders clearly indicate that in the case of soldiers below the rank of commissioned officers, the amount of military pension cannot be treated as a bar for fixation of pay after re-employment in civil service and directed the authorities to grant fixation and consequential benefits accordingly.

14. Similar directions have also been issued by this Court in ***Hari Chand (supra)***, wherein the Court directed the authorities to grant increments and fixation by counting the previous military service rendered by the petitioner therein. The said judgments have attained finality and bind the respondents.

15. In the present case, the respondents themselves have fairly stated that the entitlement of the petitioner is not disputed. The only ground taken is that in an identical case the recommendation has been forwarded and approval from the competent authority is awaited. Such a stand cannot justify denial or postponement of the lawful claim of the petitioner. Once the legal position stands settled and the entitlement of the petitioner is not disputed by the respondents themselves, the authorities are under a duty to extend the benefit in accordance with law.

16. The petitioner has already retired from service and cannot be compelled to wait indefinitely on the pretext of administrative approval or pendency of a similar proposal in another case. Administrative processes cannot override statutory provisions and binding judicial precedents.

17. In the facts and circumstances of the case, therefore, the respondents are required to give effect to the legal position and compute the petitioner's service benefits accordingly, instead of deferring the matter on the plea that approval in another case is awaited.

18. Accordingly, the writ petition is allowed. A writ in the nature of mandamus is issued commanding the respondents to re-fix the

petitioner's pay and pension by including his military service rendered from 04.07.1981 to 31.07.1996 along with his civil service, in accordance with Civil Service Regulations 526 and 527 and the Government Orders applicable in the field and grant all consequential service and retiral benefits including arrears, if any, payable to the petitioner.

19. The aforesaid exercise shall be completed and the admissible dues shall be paid to the petitioner within a period of eight weeks from the date a certified copy of this order is produced before the competent authority.

(Garima Prashad, J.)

March 19, 2026
Kuldeep

Sainik Welfare News

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Kuldeep Singh