

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 5931/2026

Ratnaram S/o Bhagaram, Aged About 59 Years, R/o Jato Ka Bas,
Jaroda Kalan, Nagaur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Department Of School Education, Government Of, Secretariat Building, Jaipur.
2. Department Of Finance, Through Secretary Finance, Secretariat, Building, Jaipur.
3. Director, Secondary Education, Bikaner.
4. Director, Elementary Education, Bikaner.
5. Chief District Education Officer, Nagaur.
6. District Education Officer, Secondary Education, Nagaur.
7. District Education Officer, Elementary Education, Nagaur.

-----Respondents

For Petitioner(s) : Mr. Piyush Chouhan

For Respondent(s) : --

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/05/2026

1. Learned counsel for the petitioner submits that the controversy involved in the present case is squarely covered by judgment rendered by Co-ordinate Bench of this Court in **(S.B. Civil Writ Petition No.3534/2009 Yogesh Kumar Pareek vs. The State of Rajasthan & Ors.)** decided on 20.01.2014 in the following terms:

"Petitioner is aggrieved by denial of salary of summer vacation and shifting of date of increment and other benefits.

It is stated that petitioner was appointed on regular basis on the post of Teacher vide order dated 24.01.1992. After joining on 28.01.1992, petitioner was entitled for benefit of service and salary for summer vacation. Respondents denied aforesaid benefit and increment was shifted to the month of March despite of joining of petitioner in the month of January. Accordingly, the respondents be directed to pay salary of summer vacation and also the date of Increment be made to January, 1993.

The officer-in-charge of the respondents could not justify the action of the respondents, inasmuch as Circular dated 28.07.2003 clarified that if employee has been appointed on regular basis on probation then he would be entitled for salary of summer vacation even if appointment is after 31st December. No justification is given by the respondents for denial of benefit of increment from January other than erroneously correlating it with the benefit of selection scale and thereby, shifting it by 48 days. I find the action of respondents is illegal, inasmuch as the petitioner is entitled for the benefit of salary of summer vacation as he is covered by the Circular. The petitioner should be given increment counting his service from the date of joining and not by shifting it to the month of March.

Accordingly, the writ petition is allowed and consequential benefit would be given to the petitioner as referred above. He would be entitled to other benefits based on appointment order dated 24.01.1992 and his joining on 28.01.1992, thus benefit of selection scale would also be determined. This also disposes of stay application."

2. Learned counsel for the petitioner prays that the petitioner may be permitted to file an appropriate representation in light of the judgment rendered by this Court in the case of Yogesh Kumar Pareek (Supra) for redressal of their grievances.

3. In view of the submission made, the present writ petition is disposed of with liberty to the petitioner to file an appropriate representation for redressal of his grievances before the respondents, and the respondents are directed to decide the same within a period of six weeks from the date of receipt of such representation, strictly in accordance with law, keeping in mind the directions issued by this Court in the case of Yogesh Kumar Pareek (Supra).

4. It is made clear that the respondents will be at liberty to examine the representation so filed by the petitioner independently, and if the case of the petitioner is squarely covered by the judgment rendered in the case of **Yogesh Kumar Pareek (Supra)**, the same benefit shall be extended; otherwise the respondents will be free to examine the case of the petitioner on its own merits and pass a speaking order.

(KULDEEP MATHUR),J