



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

S.B. Civil Writ Petition No. 6191/2025

CNR: RJHC010267142025

URN: CW / 10194U / 2025

Manohar Singh S/o Shri Moti Singh, Aged About 68 Years, R/o
36-C, Neemach Mata Scheme, Dewali, Udaipur (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Department Of Home, Government Of Rajasthan,
Secretariat, Jaipur.
2. The Inspector General Of Police, Udaipur Range, Udaipur,
Rajasthan.
3. The Superintendent Of Police, Udaipur (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Sunil Joshi
For Respondent(s)	:	Mr. Raj Singh Bhati for Mr. Ritu Raj Singh Bhati, GC.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

14/07/2026

1. The present writ petition has been filed under Article 226 of the Constitution of India by the petitioner, claiming the following relief(s):

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A. The order dated 3.02.2023 (Annexure-1) issued by the respondent no.2 may kindly be quashed and set aside.

B. The respondent no. 2 be directed to accept the representation (Annex-3) of the petitioner for grant of commuted/ Medical leave.

C. The petitioner be paid his full salary for the period of 08.04.2013 to 22.04.2013 (15) days) and 23.04.2013 to 10.05.2013 (18 days) in total 33 days.

.....XXXX”



2. Brief facts of the case, in nutshell, are that the petitioner superannuated from the post of Assistant Sub-Inspector of Police on 30.06.2016. During service, the petitioner was placed under suspension on 03.04.2013 under Rule 13(B) of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, consequent to the registration of a criminal case under the Prevention of Corruption Act, 1988 and Section 120-B of the Indian Penal Code. The criminal proceedings ultimately culminated in the petitioner's discharge by the competent criminal court vide judgment dated 21.09.2022. The respondents accepted the said judgment and did not prefer any appeal against it, thereby allowing the same to attain finality. Consequent upon his discharge, the petitioner submitted an application seeking release of pay and consequential service benefits for the suspension period. Pursuant thereto, respondent No.2 passed an order dated 03.02.2023 granting the petitioner pay and other service benefits for the suspension period. However, while passing the said order, respondent No.2 treated various periods of absence, including the period from 08.04.2013 to 22.04.2013 (15 days) and 23.04.2013 to 10.05.2013 (18 days), aggregating 33 days, as Extraordinary Leave (EOL). Aggrieved thereby, the petitioner submitted a detailed representation dated 08.01.2024 requesting respondent No.2 to review the order dated 03.02.2023 and to treat the aforesaid period of 33 days as commuted medical leave in accordance with the medical records. As no decision was communicated on the said representation, the petitioner sought information under the Right to Information Act and respondents informed the petitioner that the representation had been marked



as "seen" in the official note-sheet and thus, being aggrieved of the above, the petitioner has preferred the present writ petition.

3. Counsel for the petitioner submits that the petitioner, during the period of suspension, remained absent from service for a period of 33 days and the respondents, in an arbitrary manner, have not released his salary for the above-said period. He submits that the petitioner was medically unfit to remain on duty for the above-said period for which, he has duly been issued the sick certificate dated 08.04.2013 (from 08.04.2013 to 22.04.2013 i.e. 15 days) and the sick certificate dated 23.04.2013 (from 23.04.2013 to 10.05.2013 i.e. 18 days). He submits that when the petitioner recovered from the illness, the competent doctor issued him the fitness certificate with a specific communication that the petitioner is fit to join on 11.05.2013. He submits that along with the said application, the petitioner has submitted before the respondents; both the sick certificate as well as the fitness certificate; however, for the reasons best known to the respondents, they have not released his salary. He also submits that in view of Rule 76 of the Rajasthan Service Rules, 1956, the petitioner was not required to submit the medical leave in advance.

4. Conversely, learned counsel for the respondents submits that in reply, they have averred that the petitioner failed to submit the sick certificate as well as fitness certificate before the respondents and therefore, the respondents did not have any reason to assume/presume that the petitioner had proceeded on leave, on account of his illness.



5. Heard learned counsel for the parties as well as perused the material available on record.

6. A perusal of the record reveals that the petitioner has placed on record an application dated 13.05.2013 (Annex.2) and has specifically pleaded in the writ petition that, along with the said application, he had submitted both the sick certificates as well as the fitness certificate before the respondents.

7. In view of the aforesaid factual assertions and the material placed on record, this Court considers it appropriate to direct the respondents to examine the petitioner's application and consider his claim for treating the period of absence from 08.04.2013 to 10.05.2013, comprising 33 days, as medical leave in accordance with the applicable rules and upon due verification of the medical documents.

8. The petitioner shall furnish copies of the sick certificates and the fitness certificate before the competent authority within a period of two weeks from today, if not already furnished. Upon receipt thereof, the respondents shall examine the petitioner's claim in accordance with law and pass a reasoned and speaking order within a period of four weeks thereafter.

9. With the above observation and direction, the instant writ petition stands disposed of. Stay application as well as all other pending applications, if any, also stand disposed of.

(DR. NUPUR BHATI),J