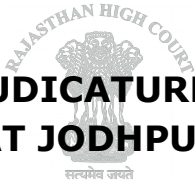


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



D.B. Civil Special Appeal (Writ) No. 482/2026

in

S.B. Civil Writ Petition No. 3873/2019

CNR: RJHC010312922026 | URN: SAW / 859U / 2026

1. State Of Rajasthan, Through Its Secretary, Home Department, Government Of Rajasthan, Jaipur (Raj.).
2. The Director General Of Police, Police Headquarters, Rajasthan, Jaipur.
3. The Financial Advisor, Police Headquarter, Rajasthan, Jaipur.
4. The Superintendent Of Police, Nagaur.

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Versus

1. Amar Singh S/o Shri Ram Singh, Aged About 42 Years, Village And Post Chawandiya, Tehsil Khinvsar, District Nagaur. At Present Posted As Driver, Mahila Police Station District Nagaur.
2. Bhika Ram S/o Shri Gumana Ram, Aged About 44 Years, Village Gowa, Post Kumari, District Nagaur, At Present Posted As Driver, Police Line, Nagaur.
3. Ram Niwas S/o Shri Mohan Lal Bishnoi, Aged About 44 Years, Village And Post Rotu, Tehsil Jayal, District Nagaur, At Present Posted As Driver, Poilce Line, Nagaur.
4. Baldev Ram S/o Shri Arjun Ram, Aged About 44 Years, Village Basni Seja, Tehsil Merta City, District Nagaur, At Present Posted As Driver, Sp Office, Nagaur.
5. Rajendra Singh S/o Shri Gopal Singh, Aged About 44 Years, Village Jakhaniya, Post Alay, District Nagaur, At Present Posted As Driver, Circle Office, Nagaur.
6. Machi Lal S/o Shri Hanuman Ram, aged about 46 years Goshinada, Karni Colony, Nagaur, At Present Posted Asdriver, Police Line, Nagaur.
7. Deva Ram S/o Shri Harka Ram, Aged About 44 Years, Village Post Somna, Via Deh, District Nagaur, At Present Posted As Driver, Police Station Kotwali, Nagaur.
8. Ram Swaroop S/o Shri Bhera Ram Bishnoi, Aged About 43

Years, Village Dhingsara, Post Bhed, District Nagaur, At present Posted As Driver, Police Line, Nagaur.

9. Ram Pratap S/o Shri Sahi Ram Bishnoi, Aged About 43 Years, Village And Post Bhed, Tehsil Khinvsar, District Nagaur, At Present Posted As Driver, Co Office, Nagaur.
10. Surendra Rao S/o Shri Kumbha Ram, Aged About 43 Years, Village Amanda, Post Thirod, District Nagaur, At Presently Driver, Kotwali Nagaur.
11. Raghunath Ram Son of Shri Roopa Ram, Aged about 56 years, Village Post Mahiyasar, Badi Khatu, District Nagaur, at Present Posted As Driver, Police Line, Nagaur.
12. Banshi Lal S/o Shri Bhag Chand Bishnoi, Aged About 44 Years, Village Post Panchla Sidha, Tehsil Khinvsar, District Nagaur, At Present Posted As Driver, Police Line, Nagaur.
13. Mancha Ram S/o Shri Hukma Ram Khoja, aged about 42 years, Village Sadokanm, District Nagaur, At Present Posted As Driver, S.p. Office, Nagaur
14. Surja Ram S/o Shri Jena Ram Sankhla, Aged About 44 Years, Rathodi Kua, Nagaur, At Present Posted As Driver, Police Station Sadar, District Nagaur.
15. Daya Sindhu S/o Shri Lekh Ram Vishnoi, Aged About 43 Years, Village And Post Rotu, Tehsil Jayal, District Nagaur, at Present Posted As Driver, Police Station Deedwana District Nagaur.
16. Prithvi Raj S/o Shri Bharmal Bishnoi, Aged About 43 Years, Village And Post Rotu, Tehsil Jayal, District Nagaur, At Present Posted As Driver, Police Station Gotan, District Nagaur.
17. Ram Niwas S/o Shri Ganpat Ram Bishnoi, Aged About 43 Years, Village And Post Bhed, Tehsil Khinvsar, District Nagaur, At Present Posted As Driver, Police Station, Surpalia, Nagaur.
18. Mangla Ram S/o Shri Sanwat Ram Jat, Aged About 47 Years, Village And Post Rupathal, Tehsil Jayal, District Nagaur, At Present Posted As Driver, Police Station Rol, District Nagaur
19. Garib Ram S/o Shri Birma Ram Jat, Aged About 43 Years, Village And Post Rupathal, Tehsil Jayal, District Nagaur, Presently Driver, Police Line, District Nagaur.

20. Mangi Lal S/o Shri Bhajana Ram Bishnoi, Aged About 44 Years, Chak Dhani, Tehsil Degana, District Nagaur, Presently Driver, Police Line, Degana, District Nagaur.
21. Ram Swaroop S/o Shri Ram Kishore Firoda, aged about 42 years, Village And Post Firod, Tehsil And District Nagaur, Presently Driver, Police Line, Nagaur.
22. Shaitana Ram S/o Shri Jassa Ram Jat, aged about 45 years, Village Post Jawali, Tehsil Merta City, District Nagaur, Presently Driver, Police Station Kuchaman City, District Nagaur
23. Ram Dayal S/o Nenu Ram Bishnoi, Aged About 42 Years, Village And Post Bhed, Tehsil Khinvsar, District Nagaur, Presently Driver, Police Station Ladnun, District Nagaur.
24. Bhanwar Lal S/o Shri Ganpat Lal, Aged About 50 Years, Village Khakharik, Tehsil Merta, District Nagaur, Presently Driver, Police Station Padu Kallan, District Nagaur.
25. Bajrang Das S/o Shri Laxman Das Mundel, Aged About 46 Years, Village Pandwala, Post Khudi Kallan, District Nagaur, Presently Posted As Driver, Circle Office, Circle Degana, District Nagaur.
26. Basti Ram S/o Shri Sohan Lal Bishnoi, aged about 45 years, Village Nedas, Post Khinvsar, Tehsil Ren, District Nagaur, Presently Posted As Driver Circle Office, Circle Merta City, District Nagaur.
27. Tara Chand S/o Shri Ramchandra, aged about 44 years, Village And Post Koliya, Tehsil Deedwana, District Nagaur, Presently Posted As Driver, Police Station Molasar, District Nagaur.
28. Kailash Chandra S/o Shri Shyam Lal Acharya, Aged About 45 Years, Khotda Ka Mohalla, Nakas Gate, Nagaur, Presently Driver At Addl. S.p. Nagaur.
29. Ram Gopal S/o Shri Adu Ram, Aged About 45 Years, Village Talanpur, Tehsil Merta, District Nagaur, Presently Posted As Driver, Circle Office Circle Makrana, District Nagaur.
30. Amit S/o Shri Kalyan Singh, Aged About 44 Years, Village Surpalia, Tehsil Jayal, District Nagaur, Presently Posted As Driver, Police Station Traffic, District Nagaur.
31. Gordhan Ram S/o Shri Ghewar Ram Jat, Aged About 44

- Years, Kiyar Ki Dhani, Mundwa, District Nagaur, Presently Posted As Driver, Police Station Kuchera, District Nagaur.
32. Meh Ram S/o Purba Ram, Aged About 44 Years, Village Post Inana, Via Mudwa, District Nagaur, Presently Posted As Driver, Police Station Kuchera, District Nagaur.
33. Sunder Singh S/o Shri Vijay Sijng, Aged About 44 Years, Village And Post Bhadwasi, District Nagaur, Co Scst Cell, Nagaur
34. Kana Ram S/o Shri Mangala Ram, Aged About 45 Years, Village Gagwana, District Nagaur, Presently Posted As Driver, Police Station Mundwa, District Nagaur.
35. Mada Ram S/o Shri Pura Ram Bhakar, Aged About 46 Years, Village Post Thob, Tehsil Osian, District Nagaur, Presently Posted As Driver Police Station Kuchaman City, District Nagaur.
36. Pralad Signh S/o Shri Hari Singh, Aged About 46 Years, Village Malgaon, Post Bhadana, District Nagaur, Presently Posted As Driver, Police Station Traffic, District Nagaur.
37. Hardev Singh S/o Shri Lal Singh, Aged About 42 Years, Balwa, Post Gogelaw, District Nagaur, Presently Posted As Driver Police Line, Nagaur.
38. Birbal Ram S/o Shri Bhanwar Lal Bishnoi, Aged About 42 Years, Village Post Hudiya, Via Borawar, District Nagaur, Presently Posted A Driver Qrt, Parbatsat, District Nagaur.
39. Shyam Sunder S/o Shri Parsa Ram, Aged About 43 Years, Khajawana Road, Kuchera, District Nagaur, Presently Posted As Driver Police Station Kotwali, Nagaur.
40. Ummed Singh S/o Shri Mohabat Singh, Aged About 44 Years, Village Post Madpura, District Nagaur, Presently Posted As Driver Police Station Khinvsar, District Nagaur.
41. Rafiq Mohammed S/o Shri Hamid Khan, Aged About 45 Years, Sipahiyon Ka Mohalla, Parbatsar, District Nagaur, Presently Posted As Head Constable, Police Station Kuchaman City, District Nagaur.
42. Sharwan Kumar S/o Shri Hajari Ram, Aged About 43 Years, Village Sateran, Tehsil And District Nagaur, Presently Posted As Driver Police Line, Nagaur.

-----Respondents

For Appellant(s) : Mr. Deepak Chandak, AAAG
For Respondent(s) :

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

THROUGH VIDEO CONFERENCING

28/07/2026

1. This is an appeal which has been filed after a delay of 768 days.
2. The appeal challenges an order passed by the learned Single Judge dated 20.12.2023. This appeal has only been filed because the said judgment has been followed in several other cases by the learned Single Judges with respect to similarly situated persons. Appeals in respect of the said cases have also been filed, which are also time barred.
3. Considering that the issue raised in the present appeal has already been settled by the Hon'ble Apex Court in **State of Rajasthan & Ors. Vs. Banney Khan**, in Civil Appeal No. 1766 of 2015 and connected matters and also considering that the reasons coming forward for filing the appeal after such a long delay is wholly unsatisfactory, we are not inclined to condone the delay.
4. We also looked into the merits of the case to certain extent. It is a case where the petitioners were before the learned Single Judge for to demand benefit of grant of ACP on the post which was available in their cadre for promotion. The pay scale of next promotional post in the cadre i.e. M.T. cadre of the Rajasthan Police Services is Sub Inspector whereas in other cadres, the next

promotional post is that of Assistant Sub Inspector (ASI) whereafter a person may be promoted to the post of Sub-Inspector. The Department granted them the ACP benefit of the post of ASI instead of SI. The court examined the circulars issued from time to time and found that the circulars specifically provided for grant of ACP by fixing the salary of the next promotional post on completion of the stipulated period. At that relevant time, it was 9 years, then 18 years & 27 years under the circular dated 14.09.1998.

5. Learned Single Judge has also observed that in the case of **Banney Khan** (supra) the issue has already been settled. We also notice that the judgment has already been implemented and merely to deny subsequent writ petitioners, the same claim and benefit as was given to Amar Singh, the present appeal has been filed after a delay of 768 days.

6. The Hon'ble Supreme Court has recently in **Shivamma (Dead) by Lrs Vs. Karnataka Housing Board & Ors., in Civil Appeal No. 11794/2025**, held that the State cannot be given any leverage in filing appeals after much delay and held as under:-

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout.

Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.”

7. In view of above, the application for condonation of delay is dismissed and accordingly, the appeal is also dismissed.

(BHUWAN GOYAL),J

(SANJEEV PRAKASH SHARMA),ACTING CJ