

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

S.B. Civil Writ Petition No. 13712/2026
CNR: RJHC010619352026 | URN: CW / 24980U / 2026

Meena W/o Shri Banshidhar, Aged About 61 Years, R/o Jai Narayan Vyas Colony, Jaisalmer, Retired Third Grade Teacher, Level-I, Senior Secondary School, Damodara, District Jaisalmer.

----Petitioner

Versus

1. State Of Rajasthan, Through The Director, Pension And Pensioners Welfare Department, Government Of Rajasthan, Jaipur.
2. The Joint Director, Pension And Pensioners Welfare Department, Jodhpur.
3. The Director (Secondary Education), Rajasthan, Bikaner.
4. The Joint Director (Secondary Education), Jodhpur Division Jodhpur.
5. The Director Education Officer (Secondary Education), Jaisalmer.

----Respondents

For Petitioner(s)	:	Mr. Chirag Khatri
For Respondent(s)	:	Mr. NK Mehta, Dy. G.C.

HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

05/08/2026

By way of filing the present writ petition, the petitioner has prayed for the following reliefs:

- “ (I) The respondents may be directed to release the regular monthly pension and the half of the gratuity as withheld by deparment as well as communication payment in favour of the petitioner after adding of increment arisen as retirement on 30.06.2025.
(ii) During pendency of writ petition or till today the amount due with the respondents may be paid with the interest @ 12% from first July, 2025 and

(iii) Any other relief which this Hon'ble Court deems fit and proper may be passed in favour of the petitioner."

2. Learned counsel for the petitioner submitted that the petitioner, after serving in the respondent department on the post of Teacher Grade-III for more than 37 years, stood retired from the service with effect from 30.06.2025. The grievance of the petitioner is that till date, the respondents have neither finalized her pension case nor released 50% of the gratuity amount, on the ground that the entire service record of the petitioner is missing/not available with the department. Learned counsel for the petitioner submits that petitioner may be permitted to file a representation before the respondent/s which may be directed to be decided expeditiously.

3. The stand taken in the reply filed on behalf of the respondents is that the petitioner was initially appointed as a Teacher by the Panchayat Samiti, Jaisalmer vide order dated 24.09.1988 (Annexure-2). However, her services were terminated with effect from 31.07.1991.

4. As per the respondents, the petitioner was subsequently reinstated in service in the year 1991 pursuant to directions issued by this Court in favour of the petitioner and other similarly situated teachers and, therefore, unless and until the record pertaining to the petitioner's initial appointment as a Teacher by the Panchayati Raj Department is made available, her final pension case cannot be processed. It was also contended on behalf of the respondents that the petitioner is presently receiving provisional pension and, therefore, until the entire service record

becomes available, no direction for finalization of pension and release of the remaining gratuity amount should be issued by this Court.

5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that no valid reason or justification exists with the respondents for not finalizing the pension case of the petitioner. It is the duty of the respondent department to maintain the service record of the petitioner and, if required, to collect the same from the concerned Panchayat Samiti for the purpose of finalizing her pension case. An employee cannot be denied pensionary benefits after rendering more than thirty years of service on wholly unreasonable and untenable grounds. Pension is not a bounty to be distributed by the employer at its discretion; rather, it is a valuable right accrued to an employee after rendering long years of service. Pension cannot be withheld or denied in the absence of any statutory prohibition or pending disciplinary/departmental proceedings. In the present case, admittedly, no disciplinary or departmental inquiry is pending against the petitioner. The retiral benefits have merely been withheld on account of non-availability of the requisite service records.

6. In view of the aforesaid, the present writ petition deserves to be allowed and is accordingly allowed.

7. The respondents are directed to finalize the pension case of the petitioner forthwith on the basis of the last pay certificate issued in her favour by the competent authority of the respondent department. The final gratuity amount and increment due shall

also be determined and released in favour of the petitioner on the basis of the said last pay certificate.

8. It is made clear that if the requisite exercise in compliance with this order is not completed by the respondent department within a period of sixty days from today, the petitioner shall be entitled to interest at the rate of 8% per annum on the due retiral/pensionary benefits.

(YOGENDRA KUMAR PUROHIT),J