

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

S.B. Civil Writ Petition No. 19189/2025

Naveen Kumar Bharara S/o Dr. Shri Lal Pal Bharara, Aged About 60 Years, Resident Of House No. 2-Chh-27, Old Housing Board, Kamla Nehru Nagar, Pali (Raj.).

-----Petitioner

Versus

1. Jodhpur Vidhyut Vitran Nigam Limited, Through The Chairman (Discoms), Vidhyut Bhawan, Janpath, Jyotinagar, Jaipur (Raj.).
2. Managing Director, Jodhpur Vidhyut Vitran Nigam Limited, New Power House, Jodhpur (Raj.).
3. Secretary (Admn.), Jodhpur Vidhyut Vitran Nigam Limited, New Power House, Jodhpur (Raj.).
4. Superintending Engineer (Ra And C), Jodhpur Vidhyut Vitran Nigam Limited, New Power House, Jodhpur (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Himmat Jagga
For Respondent(s)	:	Mr. Bhavit Sharma Mr. Hukam Singh

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/05/2026

1. Issue notice.
2. Mr. Bhavit Sharma, Advocate, accepts notice on behalf of the respondents.
3. Mr. Bhavit Sharma, Advocate, prays for two weeks' time to file a reply to the present writ petition.
4. Learned counsel for the petitioner, however, submits that the matter is urgent. He contends that the petitioner, a retired employee of the respondent organization, has been deprived of

pension and other retiral benefits on the ground of pendency of criminal proceedings against him.

5. In view of the above, this Court queried Mr. Bhavit Sharma, Advocate, as to why, during the pendency of the present writ petition, provisional pension should not be directed to be released in favour of the petitioner. In response, Mr. Bhavit Sharma, Advocate, submitted, on instructions from the respondent department, that the petitioner was wrongly granted the benefit of the third ACP, and unless he furnishes an undertaking authorizing the respondent department to recover the excess amount paid on account of fixation in third ACP, provisional pension cannot be granted.

6. Having heard learned counsel for the parties, this Court deems it just and proper to direct the respondents, to immediately finalize the petitioner's provisional pension and commence monthly payment thereof.

7. It is further clarified that the respondents shall not insist upon recovery of the alleged excess payment arising from the grant of the third ACP at this stage, and such payment shall remain subject to the final outcome of the writ petition.

8. Stay petition stands disposed of.

9. List the matter after eight weeks.

(KULDEEP MATHUR),J