

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3995/2023

Chandgi Ram Yadav S/o Shri Rugha Ram Yadav, Aged About 60 Years, R/o Village Hudiya Kalan, Tehsil Behror, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Education, Government Secretariat, Jaipur, Rajasthan.
2. Director, Secondary Education, Rajasthan, Bikaner
3. Director, Directorate Of Pension Of Pensioners Welfare Department, Jyoti Nagar, Jaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. C.P. Shrma
For Respondent(s)	:	Mr. Shubham Gupta for Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/02/2026

1. Instant writ petition is preferred by petitioner with following prayer:

The respondents be directed to allow the pension to petitioner along with due arrears with interest of 12% per annum after observed that petitioner has completed 10 years qualifying service as per Rule 54(3) of Rajasthan Pension Rules 1996 and accordingly, legally entitled to get the pension as per Rule 54(2)(b) of Rules 1996.

2. Learned counsel for petitioner submits that the petitioner has served little less than 10 years and he could not complete 10 years as minimum qualifying service. He further submitted that as per Rule 54(3) of the Pension Rules 1996 while calculating length of qualifying service for a year, the formula prescribed is that fraction of year equal to 3 months and above and should be considered as complete one year. He also submitted that if service of more than three months in a year is counted then the petitioner has completed minimum of 10 years as qualifying service. He further submitted that identical controversy was considered by a Co-ordinate Bench of this Hon'ble Court at Principal Seat, Jodhpur in case of **Ex.L/Nk Man Singh Vs. Union of India 2005 WLC 460** and directed the respondent to compute the qualifying service on the basis of provision under the rules.
3. Learned counsel for respondents submits that respondents shall examine the case of petitioner in light of ratio as referred by him and if same is applicable after interpretation of rule, then they will compute the qualifying service in accordance with interpretation as suggested hereinabove.
4. Having considered aforesaid, the writ petition is disposed of in light of ratio laid down in case of **Ex.L/Nk Man Singh Vs. Union of India (supra)** with the direction to the respondents to examine the case of petitioner with reference to provision of rule 54(3) of the Pension Rules 1996, further interpreted by a Co-ordinate Bench of this Court in case of **Ex.L/Nk Man Singh Vs. Union of India (supra)**.

5. If the ratio is applicable then the required benefit be extended to the petitioner while computing the qualifying service. The entire examination be conducted within 90 days from date of receipt of copy of the order.
6. With the aforesaid directions, the present writ petition with pending application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J