

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7968/2020

Devendar Salolya S/o Late Shri Krishna Chand Salolya, aged about 60 years, R/o Ward No. 11, Uniyara, District Tonk (Raj.).

-----Petitioner

Versus

1. State of Rajasthan, through Principal Secretary, Social Justice and Empowerment Department, Government Secretariat, Jaipur.
2. Managing Director, Rajasthan SC/ST Financial and Development Cooperative Corporation Ltd., Nehru Sahkar Bhawan, Bhawani Singh Marg, Jaipur.
3. Project Manager, Rajasthan SC/ST Financial and Development Cooperative Corporation Ltd., Tonk.

-----Respondents

For Petitioner(s)	:	Mr. Laxmi Kant Malpura with Ms. Madhvi Vyas
For Respondent(s)	:	Mr. Mukesh Kumar Verma

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

30/04/2026

1. The petitioner has filed the instant writ petition with the grievance that the respondents are not paying the due service benefits more specifically the benefit of pay fixation, pay commission, benefit of second and third ACP on completion of 18 and 27 years of service and all other consequential and retiral benefits.
2. Learned counsel for the petitioner submits that respondents have not regularized the period of suspension from 01.05.2000 to 31.03.2011.

3. Learned counsel further submits that he was denied the benefits by the respondents on account of the fact that a case under the Prevention of Corruption Act, 1988 was registered against him in the year 2000 in which he was discharged by the concerned Special Judge Sessions Court (Prevention of Corruption Act), Kota, Rajasthan by order dated 07.04.2016. However, despite discharge, his period of suspension was not regularized.

4. Learned counsel further submits that on account of the said case, he has not been provided the above mentioned service benefits and therefore, he has filed the instant writ petition. In support of his arguments, he relied upon the judgment passed by the Co-ordinate Bench of this Court in the case of '**Rajpal Singh Vs. State of Rajasthan & Ors., S.B. Civil Writ Petition No. 9364/2017**' decided vide order dated 01.08.2023, wherein the Co-ordinate Bench ordered for payment of gratuity/pension and other retiral dues and denial of the same on account of pendency of the appeal filed by the State against the acquittal was not found to be justified. The Co-ordinate Bench again, while relying upon the judgment passed in the case of '**Jagan Ram Vs. The State of Rajasthan & Ors.**' in **S.B. CWP No. 19178/2015** ordered for payment of the retiral dues @9% per annum to the petitioner therein.

5. Learned counsel for the petitioner further replied upon the judgment passed by the Co-ordinate Bench in the case of '**Krishan Kumar Sharma Vs. State of Rajasthan & Ors.**' in **S.B. Civil Writ Petition No. 11505/2022** decided vide order dated 27.03.2025, whereby the Court again passed the similar order and gave direction for payment of retiral dues and the denial

on account of pendency of the appeal against the acquittal was not found to be justified.

6. Lastly, the learned counsel relied upon the order passed by the Hon'ble Division Bench in **D.B. Special Appeal (Writ) No. 556/2015** titled as '**State of Rajasthan & Anr. Vs. Ganesh Lal**' decided vide order dated 02.04.2018 in which the Division Bench, while noticing that the respondent-employer was acquitted long back and the appeal against the acquittal is pending, therefore, while considering the previous judgment passed by the Division Bench in the case of '**State of Rajasthan & Ors. Vs. Joginder Singh**' in **D.B. Special Appeal (Writ) No. 110/2005** and in **D.B. Special Appeal No. 558/2016, Rajasthan Financial Corporation & Anr. Vs. Dinesh Pareek** affirmed the order of the learned Single Judge which held that on acquittal, the employee is entitled for payment of the retiral benefits.

7. **Per contra**, learned counsel for the respondent submits that though they have filed reply to the writ petition, however, in view of the judgments as cited by learned counsel for the petitioner, he is unable to oppose the prayer any more, more specifically when the petitioner was discharged long back in the year 2016 by the concerned Court vide order dated 07.04.2016.

8. In view of the above fact and not opposed by the learned counsel for the respondent, this Court finds the grievance of the petitioner to be genuine. Therefore, the writ petition deserves to be allowed.

9. In view of the above cited judgments, respondents are directed to regularize the period of suspension of the petitioner and extend all service benefits including pay fixation, benefit of

pay commission, etc. for which petitioner is entitled as per the law within a period of three months from the date of passing of this order @6% per annum.

10. It is expected that respondents, shall not cause unnecessarily delay in calculating and making the payment of all service and retiral dues within the above mentioned time period, in case, there is no other hurdle in doing the same. There shall be no order as to costs.

11. Pending application(s), if any, stands disposed of.

(RAVI CHIRANIA),J