

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 4430/2016

Omi Lal Saini S/o Shri Kanahiya Lal Saini By Caste Saini,
Bansoor, District Alwar

-----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary
Medical And Health, Government Secretariat, Jaipur
2. Chief Medial And Health Officer, Alwar
3. Primary Health Centre, Rampur, Tehsil Basur, District
Alwar

-----Respondents

For Petitioner(s) : Mr. Rajeev Surana

For Respondent(s) : Mr. Vivek Tyagi, Dy.G.C.

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

05/02/2020

Heard on application seeking release of the salary.

On 20.01.2020, this Court directed the colleague of Mr. Vivek Tyagi, Dy.G.C., to take instructions from the Department as to why salary is not paid to the petitioner. Today, Mr. Vivek Tyagi, Dy.G.C., appears and states that he does not have a copy of the application seeking release of the salary of the petitioner.

Learned counsel appearing for the petitioner submits that since November, 2018, the salary has not been released to the petitioner, who is admittedly working with the respondents as a Class-IV Employee at Government Primary Health Centre, Rampur, Tehsil Bansoor, District Alwar. The present writ petition relates to

the claim of regularization of a Class-IV Employee, who has been working with the respondents since 1991.

Counsel for the respondents submits that the petitioner has already been reinstated in the year 2014 after passing of the award by the Labour Court and has been given the arrears of salary from 1997 to 2014, however, he has not been able to satisfy this Court as to why salary has not been paid to the petitioner after November, 2018. The concerned Officer Incharge is also not present in the Court.

In the circumstances, this Court is satisfied that the respondents are not interested in giving proper reply to this Court with regard to reasons for not releasing the salary.

Accepting the statement made by the counsel for the petitioner at bar that the salary has not been paid since November, 2018, it is directed that the salary be released within 15 days and the salary shall continuously be paid to the petitioner without any delay, failing which, salary of the Account Officer in the Office of CMHO, Alwar as well as salary of CMHO, Alwar, shall not be released.

Application No.1/2019 is accordingly disposed of.

Application No.5733/2019 for finally deciding the writ petition at the admission stage is allowed.

List this case for final disposal on 24.02.2020.

(SANJEEV PRAKASH SHARMA),J