

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

S.B. Civil Writ Petition No. 14914/2020

Brijraj Singh Rathore Son Of Late Shri S.S Rathore, Aged About 57 Years, Resident Of Plot No. 5, Kailash Nagar, Jhotwara, Jaipur, At Present Posted As Director, Central Training Institute, Home Guard, Civil Defence, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Home Department Government Of Rajasthan, Government Secretariat, Jaipur.
2. Civil Defence And Home Guard Department, Government Of Rajasthan, Through The Director General Of Police, Civil Defence And Commandant General, Home Guard Rajasthan, Jaleb Chowk, Jaipur.
3. The Financial Advisor, Civil Defence And Home Guard Department, Government Of Rajasthan, Headquarter, Jaleb Chowk, Jaipur Rajasthan.
4. The Senior Staff Officer, Directorate Of Civil Defence And Home Guard Department, Government Of Rajasthan, Headquarters, Jaleb Chowk, Jaipur Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Abhishek Pareek, Adv.
For Respondent(s)	:	

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

08/02/2021

Learned counsel for the petitioner submitted that the petitioner joined Home Guard Department on 5th April, 1993 and prior to that the petitioner was working in Indian Army (Short Service Commission) for five years from 25th August, 1986 to 24th August, 1990.

Learned counsel submitted that the State Government has issued a notification dated 28th September, 1996 extending the benefits to persons about fixation of their salary by taking into account the service rendered in Army.

Learned counsel submitted that the respondents now by the impugned order dated 8th September, 2020 wants to make recovery of Rs.38181/- alleged to be excess payment from 15th April, 1993 to 27th September, 1996.

Learned counsel submitted that the petitioner is at the verge of retirement. Learned counsel further submitted that similar controversy has also been decided by this Court in ***S.B. Civil Writ Petition No.21499/2013 (Vipin Kumar Uppal Vs. State of Rajasthan & Ors.)*** vide order dated 3rd March, 2014.

Issue notice of the writ petition as well as stay application, returnable on 1st March, 2021. Notices be given 'dasti', if prayed.

In the meanwhile, respondents are restrained to make any recovery from the salary of the petitioner in pursuance of the order dated 8th September, 2020.

(ASHOK KUMAR GAUR),J