

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 22072/2017

Kulwant Kurra S/o Shri Ramesh Chand Kurra, aged about 27 years, R/o 2-A-150, Om Shiv Colony, Sastri Nagar, Jaipur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan Through Secretary, Department Of Medical And Health, Government Secretariat, Jaipur, Rajasthan.
2. Chief Medical And Health Officer, Jaipur, Rajasthan.
3. Chief Medical Officer, Harivansh Kanwatiya, Government Hospital, Shastri Nagar, Jaipur, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Ankul Gupta

For Respondent(s) : Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/02/2026

1. Office is directed to detag this matter from the bunch of petitions.

2. The instant writ petition is filed by the petitioner with following prayer:-

"i) by issuance of appropriate writ, order or direction in nature thereof thereby respondents be directed to regularize the service of the petitioner on the post of computer operator and be paid the salary of computer operator which is being paid to the regularly appointed computer operator in regular pay scale;

ii) By issuance of appropriate writ, order or direction in nature thereof thereby the respondents be directed to pay the outstanding salary of the petitioner w.e.f. 01.11.2016 to 31.7.2017 and

further respondent be directed to keep the petitioner on the post of computer operator continuously till the post are filled by regular selection and no person than the petitioner be appointed in place of petitioner on the contract basis.

iii) pass any other writ order or direction which this Hon'ble Court deems just and proper in the facts and circumstances of the case in favour of the petitioner.

iv) Cost of the litigation may also be awarded/given to the petitioner.

3. Considered submissions of learned counsel for the parties and perused the material placed on record.

4. The only issue remaining in the instant writ petition is with regard to non-payment of salary/emolument to the petitioner for the period for which he worked in the respondent-Organization. The only defence of the respondent is that the petitioner was engaged through a human resource service provider and the Department has made all payment to the human resource service provider.

5. Considering the submission and also the definition of workman as provided under Section 2(s) of the Industrial Disputes Act, 1947, (since repealed by notification dated 25.11.2025 with promulgation of new Labour Laws), the petitioner who served in the respondent-Organization has claimed that he has not been paid by respondents and the respondents have failed to produce any document to demonstrate that the petitioner was paid for the period for which he has served in the respondent-organization, therefore, it is appropriate to dispose of the writ petition with certain direction to the respondents.

6. The writ petition is disposed and the respondents are directed to examine the issue of non-payment to the petitioner within a period of 30 days from the date of receipt of a copy of the order and if it is found that the petitioner is not paid directly or indirectly then they will assess the amount of non-payment and make the payment within a period of 60 days from the date of assessment. The respondents are at liberty to recover the amount from the human resource service provider.

7. With the aforesaid, the writ petition stands disposed with pending application, if any.

(ASHOK KUMAR JAIN),J