

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18831/2023

Radheyshyam Sethi, S/o Late Shri Rampal Sethi, Aged About 64
Years, Resident Of House No. 837, Churuko Ka Rasta, Chaura
Rasta, Jaipur-302001

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary,
Secondary Education, Secretariate, Jaipur
2. The Director Secondary Education, Rajasthan, Bikaner.
3. Joint Director, Secondary Education, Jaipur, Rajasthan.
4. District Education Officer (Secondary), Shiksha Sankul,
J.l.n. Marg, Jaipur (Raj.)
5. The Secretary, Managing Committee, Shri Khandelwal
Vaishay Central Senior Secondary School, Station Road,
Jaipur (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Radheyshyam Sethi, petitioner in person
For Respondent(s)	:	Mr. Devansh Sharma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

10/12/2025

1. Instant writ petition is filed with the following prayer:
By issuing an appropriate writ, order or
direction the respondents may be directed to
pay to the petitioner forthwith ₹ 292812.00,
arrears of the fixation of the pay and ₹
16980.00 the amount of the encashment of
leave with interest @ 9% p.a. w.e.f.
01.07.2011.

2. The petitioner is present in person and has submitted that his case be considered today and decided on merits.
3. Learned counsel for respondent No. 1 to 4 has no objection in case the case is decided on merits.
4. We have considered the submissions of the petitioner in person and also learned counsel for the respondent along with the reply and the documents placed on record.
5. The case of the present petitioner is that he was appointed on 05.11.1988 against a sanctioned post under grant-in-aid as Lab Assistant in Shree Khandelwal Senior Secondary School, Jaipur. After promulgation of the Rajasthan Voluntary Rural Education Service Rules, 2010, the services of the present petitioner were absorbed by the State Government with effect from 01.07.2011. The petitioner has claimed that a Division Bench of this Court in **D.B. Special Appeal Writ No. 663/2015, State of Rajasthan and Another v. Management Committee, Shreemati Kamla Devi, Gauri Dutt Mittal Girls P.G. College**, and in **D.B. Civil Contempt Petition No. 740/2016, Shree Banwari Lal Bhukar v. Anuj Kheechi**, decided that the teachers of private educational institutions receiving grant-in-aid and absorbed in government service under the Rules of 2010 are entitled to revision of their pay scale, arrears of fixation, dearness allowance, benefit of selection grade, leave and leave encashment, etc.
6. In compliance of the said judgment, the fixation of pay was done and the arrears payable to the petitioner were determined as ₹ 2,92,812/- (60% of the total amount). The

petitioner retired from government service with effect from 31.07.2019 and he is further entitled to ₹ 16,980/- (60% of the total amount) towards leave encashment. These amounts constitute 60% of the total amount, and payable by the government. The petitioner has filed this writ petition for a direction to the respondents to pay the due amount, as details of the arrear sheet, determined by respondent No. 5 has already been forwarded to respondent No. 1 to 4.

7. Respondent No. 1 to 4 has submitted that the payment is being made in compliance with the directions given by this Court in judgment dated 06.11.2015 passed in D.B. Special Appeal Writ No. 663/2015, but the same is required to be complied with by respondent No. 5.
8. Admittedly, the present petitioner was absorbed in government service and superannuated on 31.07.2019 from Government Model Senior Secondary School, Shivdaspura, Jaipur. The annexures on record indicate that the total amount payable to the present petitioner was ₹ 4,48,020/-, out of which 40% was paid by respondent No. 5, amounting to ₹ 1,95,208/-, and the remaining 60%, which is equivalent to the grant-in-aid received by respondent No. 5, comes to ₹ 2,92,812/-.
9. Similarly, the annexure relating to leave encashment indicates that the total payable amount was ₹ 28,300/-, out of which ₹ 11,320/- was payable by respondent No. 5, whereas ₹ 16,980/-, being 60% and equivalent to grant-in-aid, was payable by respondent No. 1 to 4. The petitioner has sent a notice to the respondents and despite having

knowledge thereof, nothing has been placed on record to show that respondent No. 1 to 4 has made the aforementioned payment, which is 60% of the contribution of the total amount.

10. The reply filed is not sufficient to defend the case of respondent No. 1 to 4. The material on record indicates that despite the fact that the petitioner was superannuated on 31.07.2019 and pursuant to the order dated 06.11.2015 passed in D.B. Civil Special Appeal No. 663/2015, determination has been made by respondent No. 5, but no payment has been made by respondent No. 1 to 4 to the petitioner. Thereafter, the petitioner sent a notice of contempt in the year 2024, but no payment was made. Consequently, the petitioner approached this Court on 19.10.2023 by filing the present writ petition.
11. Instead of realizing the mistake committed by respondent No. 1 to 4, repeated denials have been made and no specific defence has been pleaded. It is sufficient to indicate that respondent No. 1 to 4 has deliberately delayed the payment of retiral dues to the petitioner. Thus, the petitioner is entitled to interest at the rate of 9% per annum from the date of filing of the writ petition.
12. In view of the discussion made hereinabove, the writ petition is allowed and respondent No. 1 to 4 are directed to make payment of ₹ 2,92,812/- (being 60% of the actual arrears) and ₹ 16,980/- (being 60% of the total leave encashment) amount to the petitioner. The petitioner shall also be entitled

to interest at the rate of 9% per annum from the date of filing of the writ petition till actual realization.

13. Accordingly, the writ petition along with all pending applications stands disposed of.

(ASHOK KUMAR JAIN),J

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