

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7492/2017

Ram Sahai Mali Son Of Shri Nathu Lal Mali, House No. 1/116
Housing Board, Tonk Rajasthan 304001.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Director, State Insurance And Provident Fund Department, Rajasthan Jaipur.
2. The Director, State Insurance And Provident Fund Department, Rajasthan Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Tushar Panwar Mr. Ankit Vishnoi
For Respondent(s)	:	Mr. Dheeraj Tripathi, Dy. GC with Mr. Abhishek Paliwal

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

24/02/2026

1. Instant writ petition is filed with following prayer:-

i) Respondent No.2 is directed to accord benefit of 2nd and 3rd selection grade to the petitioner from the date it became due and payable;

ii) Grant interest @ 9% PA on the sum became due and payable along with arrears of pay

iii) Pass any other appropriate writ, order or direction, which this Hon'ble Court may deem just, proper in the facts and circumstances of the case, in favour of the petitioner;

2. Learned counsel for petitioner while placing reliance upon judgment dated 26.07.2024 in **S.B. Civil Writ Petition**

No.369/2018 titled as **Jawed Ahmed Usmani Vs. State of Rajasthan & Ors.**, which was approved by a Division Bench of this Court at Principal Seat, Jodhpur on 31.01.2025 in D.B. Special Appeal Writ No.1258/2024, after considering the judgment of Hon'ble Supreme Court in case of **State of Rajasthan Vs. Jagdish Narain Chaturvedi 2009 (2) RLW 1481 (SC)**, has submitted that the State has preferred SLP (Civil) No.2442/2025 and same was dismissed on 29.08.2025. He also submits that the judgment in case of **Jawed Ahmed Usmani Vs. State of Rajasthan & Ors. (supra)** is followed by a Coordinate Bench of this Hon'ble Court in case of **Champat Ram Vs. State of Rajasthan, S.B. CWP No.20036/2018** decided on 13.11.2025.

3. Learned AGC appearing on behalf of State candidly accepts that the issue has been decided and considered in case of **Jawed Ahmed Usmani Vs. State of Rajasthan & Ors. (supra)**, but he submits that writ petition be disposed of in light of **Jagdish Narayan Chaturvedi (supra)**.

4. Having considered the submissions and also material placed on record, the claim of the petitioner is applicability of ratio laid down in case of **Jawed Ahmed Usmani (supra)** by Hon'ble Supreme Court as SLP was dismissed wherein the SAW (Writ) was dismissed by the Division Bench after considering the ratio in case of **State of Rajasthan Vs. Jagdish Narain Chaturvedi (supra)**. Thus, it is appropriate to dispose of the writ petition in light of ratio laid down in case of **Jawed Ahmed Usmani (supra)**, if applicable upon facts of the case.

5. In view of aforesaid, the writ petition is disposed of in terms of ratio laid down in case of **Jawed Ahmed Usmani (supra)**. The

respondent(s) are directed to examine the case of present petitioner about the applicability of the ratio on the facts of the case and if the ratio is applicable, then they are directed to make payment to the petitioner with interest within a period of 90 days from date of receipt of copy of this order and if the ratio is not applicable, the respondent(s) are under an obligation to pass an appropriate reasoned and speaking order with proper justification.

6. The writ petition and misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J