

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 23800/2018

Chand Pal S/o Shri Prabhati Lal

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

S.B. Civil Writ Petition No. 1218/2019

Chand Pal S/o Shri Prabhati Lal

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Sandeep Saxena with Ms. Neha Swami
For Respondent(s)	:	Mr. Vinod Kumar Gupta, AGC with Ms. Krishma Soni

HON'BLE MR. JUSTICE SAMEER JAIN
Order

23/01/2025

Learned counsel for the respondents has submitted that S.B. Civil Writ Petition No.23800/2018 is rendered infructuous as all due amount of pension and gratuity has already been released to the petitioner.

It is submitted that qua consideration of the petitioner and dispute over promotion, the petitioner has an alternate remedy available and as per facts of the case the said benefit cannot be granted.

Controverting the aforementioned, learned counsel for the petitioner has submitted that vide order dated 18.07.2013 passed by Co-ordinate Bench of this Court wherein, order dated 18.07.2005 of compulsory retirement passed by learned Appellant

Tribunal was set aside and categorical directions were given to the respondents to reinstate the petitioner in service, however despite the said order of the Court, petitioner was not reinstated till his age of superannuation.

Additionally, it is submitted that recovery of the amount of pension, after compulsory retirement and of gratuity has been made by the Department. Further, vide order dated 18.05.2018, passed by Co-ordinate Bench of this Court, wherein it had been stated that if any recovery is made of the pension amount, the said amount along with the gratuity amount be returned to the petitioner, and qua the promotion, a liberty was granted to challenge the same by way of appropriate proceedings in accordance with the law.

Further, it is submitted that in the criminal proceedings against the petitioner, the petitioner has been acquitted, and order qua compulsory retirement is also set aside.

Lastly, it is submitted that similarly situated persons like that of the petitioner i.e. petitioner's immediate juniors have been promoted on 22.07.2007, therefore, the petitioner should be granted notional benefits on account of promotion from the said date, in his favour as the petitioner had been punished for no reasons.

Learned counsel for the respondents wants to seek necessary instructions in the matter.

List the matters on 06.02.2025 at 2:00 P.M.

(SAMEER JAIN),J