

MehardIn Vs. State and ors.

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Court : Rajasthan

Decided On : May-01-2007

Reported in : 2007(3)WLN563

Judge : Govind Mathur, J.

Appeal No. : S.B. Civil Contempt Petition No. 4548/2004

Appellant : Mehardin

Respondent : State and ors.

Judgement :

Govind Mathur, J.

1. By this petition for writ, the petitioner has claimed for pension and other retiral benefits being a retired government servant. It is contended in petition for writ that the petitioner on achieving the age of 60 years retired from the services of the Department of Forest on 03.04.2001. The respondent vide a Pension Payment Order No. 636831 allowed provisional pension to the petitioner, however, no regular pension was given to him.

2. The contention of counsel for the petitioner is that the petitioner has completed qualifying service as prescribed under the relevant Rules and, therefore, is entitled for getting regular pension.

3. In reply to the writ petition, the contention of the respondents is that by an order dt. 14.07.1999, the petitioner was taken on regular cadre of the government service with application of Rajasthan Civil Service Rules, 1951, however, the order aforesaid was withdrawn by the Dy. Conservator of Forest, Indira Gandhi Nahr Pariyojna, Stage-II Division-II, Bikaner by an order dt. 02.08.2003. In view of withdrawal of the order aforesaid according to the respondents, the petitioner is not entitled for any pensionary benefits. During course of hearing, it was noticed that this Court in SBCWP No. 1639/ 2000, while admitting the aforesaid petition for writ, stayed the operation of the order whereby regular cadre granted to the petitioner was withdrawn. It is quite fairly pointed out by learned Counsel for the respondents that the Dy. Conservator of Forest, Indira Gandhi Nahar Pariyojna, Stage-II, Division-II, Bikaner under an order dt. 02.08.2003 has already cancelled the order dt. 20.04.2003 as a consequent thereto the order of regularization of the petitioner in service dt. 14.07.1999 stands restored. A photo copy of the order dt. 02.08.2003 is also taken on record.

4. In view of restoration of the order dt. 14.07.1999, no reason now remains available with the respondents to deny pension to the petitioner.

5. Accordingly, this petition for writ is allowed and the respondents are directed to allow pension and all other post retiral benefits to the petitioner in accordance with law within a period of three months from today.