
(2020) 02 RAJ CK 0271
In the Rajasthan High Court
Case No : Civil Writ Petition No. 535 Of 2020

Bhanwar Singh Chundawat	Vs	APPELLANT
State Of Raajasthan And Ors		RESPONDENT

Date of Decision : 13-02-2020

Acts Referred:

Rajasthan Service Rules, 1951 — Rule 29

Citation : (2020) 02 RAJ CK 0271

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Sushil Solanki

Final Decision : Disposed Of

Judgement

Learned counsel for the petitioner, at the very outset, submits that the controversy raised in the instant writ application stands resolved in view of the

adjudication made a Co-ordinate Bench of this Court in case of Sardar Mal Vs. State of Rajasthan & Ors.: SBCWP No. 9772/2011, decided on 7th

August, 2012 and Man Singh Hada and Ors. Vs. State of Rajasthan & Anr.: SBCWP No. 8124/2012, decided on 28th January, 2014.

It is further contended that a Division Bench of this Court has also observed in the case of Brij Lal Bundel Vs. State and Anr., that if the order of

suspension is revoked and the employee is reinstated in service, he, as per Rule 29 of the Rajasthan Service Rules, is entitled to annual grade

increments. Reference is also made to the adjudication by a Co-ordinate Bench of this Court taking note of the cases aforesaid in the case of Ajeet

Singh Vs. State of Rajasthan & Ors., decided on 3rd November, 2014, holding thus:

â??Learned counsel has submitted that a division bench of this Court in Brij Lal

Bundel vs. State and Another - 2007 (1) RLW 484 has also held that when the order of suspension is revoked and the employee is reinstated in service, he, as per Rule 29 of the Rajasthan Service Rules, becomes entitled to annual grade increments as the increment has to be drawn in the matter of course unless withheld. The period of suspension is normally treated as period spent on duty for the purpose of pension. If the period is treated as spent on duty, there would not be break in service and therefore there is no reason why the government servant was deprived of annual grade increments falling due in the suspension period after his reinstatement. It was held that denial of annual grade increments in such a scenario would tantamount to withholding increments, which is a penalty specified under Rule 14 of the Rajasthan Civil Services (CCA) Rules, 1958, which penalty cannot be imposed without observing the procedure envisaged in Rule 16 and 17 of the CCA Rules.â??

Learned counsel for the petitioners would further submits that at this stage, the petitioners would be satisfied if the State respondents are directed to decide the representation of the petitioner, within a time frame, which they are ready and willing.

In view of the limited prayer addressed; the instant writ proceedings are closed with a direction to the petitioners are allowed to address a comprehensive representation within two weeks hereinafter, enclosing a copy of the judgment, which has referred to and relied upon in support of his claim.

In case, a representation is so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a reasoned and speaking order in accordance with law as expeditiously as possible, however, in no case later than three months from the date of receipt of the representation along with a certified copy of this order.

Upon consideration of the representation so filed, if respondents find the case(s) of the petitioner(s) to be covered by the judgment(s) aforesaid, before giving actual benefits, an undertaking shall be procured from the concerned petitioner(s) to the effect that their rights/entitlements shall be subservient to the fate of the judgment(s) aforesaid and in case the same is reversed or modified in any manner, he/she shall also be liable for restitution of any benefits/emoluments so received.

With the observations and directions, as indicated above, the writ petition stands disposed of.

The stay application is also disposed of.