

(2018) 08 RAJ CK 0016
In the Rajasthan High Court
Case No : Civil Writ No. 9056 of 2018

Kishan Lal Mali @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 03-08-2018

Acts Referred:

Citation : (2018) 08 RAJ CK 0016

Hon'ble Judges : P.K. LOHRA, J

Bench : Single Bench

Advocate : D.D. Chitlangi, B.L. Bhati, Vikas Balia

Final Decision : Allowed

Judgement

It is stated at Bar by leaned counsel for the parties that lis involved in this writ petition is squarely covered by Division Bench Judgment rendered by

Jaipur Bench of this Court in D.B. Special Appeal(W) No.663/2015Â (State of Rajasthan & Anr. V/s. Management Committee, Sh. the matter,

placed reliance on its earlier verdict in case of Arti Mathur V/s. State of Rajasthan and issued following directions:-

â??...In those batch of Writ Petition No.829/2012 [Arti Mathur Vs. State of Rajasthan] along with other writ petitions came to be decided by the

Division Bench of this court vide judgment dt.16.04.2013 finally held that the action of the Government in withdrawing grant-in-aid, so far as it relates

to the posts in which the teaching and nonteaching staff of the Non-Government Aided Educational Institutions are still continuing, is adjudged to be

illegal and ultravires of the Act, 1989 and mandated the State Government for such of the teaching/non-teaching staff working in the Non-Government

Aided Institutions, the State Government is under an obligation to the extent sanction grant-in-aid and release the same to the Institution but we have

been informed that judgment of the Division Bench of this court came to be

challenged by the State Government in Special Leave to Appeal and interim protection has been granted by the Apex Court.

The Special Appeals filed by the State Government are without substance and accordingly dismissed and taking note of the Sec.31(2) of the Act, 1989

we direct the NonGovernment Educational Institutions to prepare due drawn statement of each of the employees of their Institution who have worked

against sanctioned & aided posts in regard to their arrears of salary and other dues which are approved expenditures to the extent of grant-in-aid and

the same be sent to the State Government and the State Government after its due verification from their records will make payment of arrears to each

of the employee who either have now become members of Rules, 2010 or have retired or left the job (upto the period one has worked) and to other

employees similarly situated under intimation to the concerned NonGovernment Recognized Institution.

However, it may not remain confined to such of the employees who are covered under the present litigation and since the employees of the State

Government and the NonGovernment Aided Institution are under litigation at various levels either before the Id.Tribunal or in this Court and after this

issue being settled by us, we consider it appropriate that let this order be made applicable mutatis mutandis to all such employees who are similarly

situated, in the manner as directed by this court and indicated above.

The Non-Government Aided Institutions shall ensure compliance of this order within two months and the State Government shall ensure compliance in

letter & spirit within two months thereafter by making actual payment to the employee of the Non-Government Aided Institutions.

With these directions, all the special appeals stand disposed of, in the above terms. There shall be no order as to costs.â??

Present writ petition is, therefore, allowed in terms of the judgment rendered in Management Committee, Sh. Bhagwan Das Todi College (supra) and

the respondents are expected to ensure compliance of the directions, as expeditiously as possible, preferably within a period of three months from the

date of receipt of this order.Â

It is clarified that for facilitating payment of requisite amount of salary arrears and other dues to the petitioner, State Govt. shall furnish desired

information to the respondent institution, as and when solicited, without any

delay.