
(2013) 11 RAJ CK 0070
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4727 of 2005

LRs. of Dhanraj

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-11-2013

Acts Referred:

Citation : (2013) 11 RAJ CK 0070

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Sudheer Sharma, for the Appellant; Hemant Choudhary, for the Respondent

Final Decision : Dismissed

Judgement

Vijay Bishnoi, J.—Late Shri Dhanraj, husband and father of petitioners, was retired on 31st of July, 2002 from the post of Head Master of the Government Upper Primary School Kolar, Panchayat Samiti Desuri, District Pali. By this writ petition, the late Shri Dhanraj had claimed that the respondents have not paid arrears of retiral benefits to him, despite repeated reminders. It is also claimed that some recovery was also made from the retiral benefits in illegal manner.

2. In response to the notices issued by this Court, the respondents have filed reply to the writ petition and in para No. 2 of the reply to the writ petition, the respondents have claimed that all the retiral benefits have been paid to late Shri Dhanraj and the recovery was adjusted from the gratuity amount payable to him as per his consent given as per his letter dated 14.1.2003. The contents of para No. 2 of the reply reads as under:-

In this connection suffice it to say that the petitioner has been paid his all arrears regarding suspension period and revised pay scale, selection scale etc. as per the Govt. decision revised pay rules 1996 the petitioner was earlier fixed 6500-200-10500 at 8100/- w.e.f. 01/09/1996, thereafter as he could not complete 9 years as on 01/07/98 as per the requirement of 6th amendment

dated 07/08/98 he was re-fixed in 5500-175-9000 at 8300/- on 01/07/98. After completion of 10 years of service, as per the DPC 31/03/2000 was again fixed in 6500-200-10500 at 9300/-. The pension papers were also prepared in light of these fixation but the same were returned with the objection that the order-dated 24/12/2002, order No. P-5(37) Education-2 be complied with. In pursuance of this objection the petitioner's fixation was again made on 6500-200-10500 at 9100/- and recovery of Rs. 3597/- was purposed. Thereafter the case was again sent to the pension department here again it was returned with the same objection. In order to meet with those objection the pay was again revised and petitioner was re-fixed in scale 6500-200-10500 at 8900/- + 100/- P.P. and recovery was purposed for 2371/-. This purposed amount of recovery was adjusted from the Gratuity amount payable to the petitioner as per his consent given vide Ann.-R/1.

Thus, there appears to be no inordinate or otherwise delay in releasing the pension to the petitioner, same released within 4 months form the submission of the pension coolak by the petitioner and the amount too has been recovered with his consent.

3. During the pendency of the writ petitioner, Dhanraj died and his legal representatives were brought on record vide order dated 17th Nov., 2011. Reply to the writ petition was filed on 3.1.2006, however, no counter to the reply has been filed on behalf of late Shri Dhanraj or his legal representatives.

4. The contention of the respondents that all the retiral benefits have been paid to late Shri Dhanraj and recovery was made as per his consent, had not been controverted by late Shri Dhanraj or his legal representatives, hence, the same remains unconverted. In these facts and circumstances of the case, nothing survives in this writ petition, therefore, the same is hereby dismissed.