

(2020) 07 RAJ CK 0024

In the Rajasthan High Court

Case No : Civil Writ Petition No. 7979 Of 2020

Makbool Ahmad And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 29-07-2020

Acts Referred:

Citation : (2020) 07 RAJ CK 0024

Hon'ble Judges : Ashok Kumar Gaur, J

Bench : Single Bench

Advocate : Vigyan Shah, Harendar Neel

Judgement

Learned counsel for the petitioners submitted that this Court in S.B.Civil Writ Petition No.3063/2019 (Dal Chand Jat Vs. The State of Rajasthan &

Ors.) and other connected writ petitions decided by common order dt. 13 th August, 2019 has already considered the validity of order dt. 1st February,

2019 and the Court has observed that persons/teachers who have been appointed shall be given notional benefits, including benefits of seniority and

pay fixation from the stage when the appointment of persons at the same or lesser merit were appointed. However, no monetary benefits have been

given to the persons who have not discharged their actual services.

The Court has further observed that any notional fixation or any notional benefit, which has resulted into current payment and current position where

the persons are discharging their services, shall not be recovered and shall be continued to be paid. The Court further held that no recovery is to be

made from the petitioners in line with the aforesaid observations.

Learned counsel submitted that now different Officers- District Education Officers are issuing orders and they not only passing the order for effecting

recovery but they are also directing the Subordinate Officers to take action, failing which disciplinary proceedings will be again initiated against them.

Learned counsel submitted that in some cases the Controlling Authority is issuing orders and in some cases District Education Officers are issuing orders.

This Court finds that litigation has again arisen before this Court in spite of the detailed order passed by the Co-ordinate Bench of this Court in the case of Dal Chand Jat Vs. The State of Rajasthan & Ors. (supra).

Issue notice of writ petition as well as stay application to the respondents, returnable on 27th August, 2020. Notices be given 'dasti', if prayed.

Learned counsel for the petitioner is directed to serve additional copy of the writ petition in the office of learned Advocate General.

Learned Advocate General will inform this Court as what steps have been taken by the State Government in pursuance of the order dt. 13th August,

2019 passed by Co-ordinate Bench of this Court and Advocate General will further inform this Court as in what manner the different Authorities in

different Districts are issuing orders in violation of the orders passed by this Court.

List the matter on 27th August, 2020 along-with S.B. Civil Writ Petition Nos.7964/2020.

In the meanwhile, the respondents are restrained to make any recovery from the emoluments which have already been paid to the petitioners.

Registry is directed to show name of Mr. Sheetanshu Sharma, Adv., assistant to learned Advocate General, in the cause-list.

Copy of this order may be annexed alongwith notices & further Registrar (Judicial) will send copy to the office of Advocate General.