

(2022) 08 RAJ CK 0029

In the Rajasthan High Court

Case No : D.B. Civil Writ Petition No. 9673 Of 2020

Purkha Ram

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 17-08-2022

Acts Referred:

Citation : (2022) 08 RAJ CK 0029

Hon'ble Judges : Sandeep Mehta, J;Kuldeep Mathur, J

Bench : Division Bench

Advocate : Manoj Bohra

Final Decision : Disposed Of

Judgement

This writ petition calls into question the action of the respondents in proposing to effect recoveries from the petitioner Government servant as a consequence of the notification dated 30th October, 2017 issued by the State Government.

Identical controversy was examined and decided by a Coordinate Division Bench of this Court vide order dated 25.11.2017 passed in a bunch of writ petitions led by Santosh Sharma vs State of Rajasthan (D.B. Civil Writ Petition No.5920/2021) observing as below:-

- (i) Let the Government reconsider the entire issue as is stated before us. Final decision preferably may be taken by 28th February, 2022.
- (ii) After the decision is taken by the Government, if any of the grievances of the petitioners survive, it would be open for them to file fresh petitions.
- (iii) Till fresh decision is taken, the State Government shall not make any further recovery on the basis of the notification dated 30th October, 2017.
- (iv) Recoveries already made from the pensioners would be refunded, subject to final decision of the Government, subject to further challenge.

We are informed that in some of the petitions additional issues have also been

raised. None of these issues would get affected by this order. It would be open for the petitioners to file an independent petition, as may be advised subject to all objections of the Government which are kept open.”

As a consequence to the above directions, the State Government has issued two memoranda (No.F. 14(88)FD/Rules/2008 and No.F.15(88)FD/Rules/2017) dated 27.02.2022 so as to resolve the controversy. Consequently, it is hereby directed that no recovery of the amounts already paid to the petitioner shall be effected as a consequence of Notification dated 30.10.2017. In case, the petitioner is aggrieved of the memoranda dated 27.02.2022, he shall be at liberty to challenge the same as per law.

The writ petition is disposed of in these terms.