
(2005) 07 RAJ CK 0046
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3833 of 2005

Ram Gehlot

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 08-07-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 4 RLW 2302 : (2005) 4 WLC 106

Hon'ble Judges : R.P. Vyas, J

Bench : Single Bench

Advocate : I.R. Choudhary, for the Appellant;

Final Decision : Dismissed

Judgement

R.P. Vyas, J.—Heard the learned Counsel for the petitioner at admission stage.

2. The instant petition has been filed by the petitioner with the prayer that the petitioner's retirement w.e.f. 31.5.2003 may kindly be quashed and set aside and he may be allowed to continue in service till he attains the age of 60 years and grant all pensionary benefits to the petitioner or in the alternative the respondents may be directed to grant all pensionary benefits to the petitioner by treating the petitioner to have completed 10 years of service.

3. Briefly stated the facts of the case are that the petitioner having served the Indian Air Force for 26 years, was discharged w.e.f. 28.2.1991. After his discharge from Indian Air Force, the petitioner was selected as Patwari and the underwent training from 19.7.1993 to 19.4.1994. On completion of training, the petitioner was allotted the office of Dist. Collector, Jaisalmer vide order dtd. 26.8.1994 and thereafter he was appointed on, the post of Patwari vide order dtd. 16.9.1984.

4. It has been averred by the petitioner in the writ petition that when he joined the services of the respondents, the age of superannuation was 60 years and the petitioner joined the duties as Patwari thinking that when he will retire on

attaining the age of superannuation i.e. age of 60 years, he will complete the qualifying services of 10 years for the purpose of pension and would be entitled for the pension.

5. It has also been averred in the petition that the State Government however reduced the age of superannuation from 60 years to 58 years and accordingly, the petitioner retired from the services or respondents on attaining the age of 60 years on 31.5.2003.

6. The further contention of the petitioner in the present writ petition is that he has served for about 9 and half years of services including the period of training. However, he has not been granted the pensionary benefits on the ground that he has not completed qualifying services of 10 years for the purpose of pension.

7. The petitioner submitted a representation on 17.1.2004 to the respondent No. 5 and the respondent No. 5 in turn vide letter dtd. 19.2.2004 informed the petitioner that he was not entitled to pension for the reason that he has not completed qualifying service for the purpose of pension.

8. The main contention of the learned Counsel for the petitioner in the instant petition is that when he joined the services of the respondents, the age of superannuation of was 60 years which was reduced to 58 years in the year 1998 and the petitioner stood retired w.e.f. 31.5.2003 on attaining the age of 58 years. If the petitioner would have been allowed to retire on the age of 60 years, he would have entitled for the pension as he would have completed qualifying services of 10 years for the purpose of pension.

9. In the alternative, it has been submitted by the learned Counsel for the petitioner that he has completed about 9 and half years of service including the period of training and thus, the provisions of Rajasthan Civil Services (Pension) Rules, 1996 may kindly be relaxed in the case of the petitioner.

10. Admittedly, the petitioner has not completed qualifying services of 10 years for the purpose of pension. The service conditions of the employees of the State Government are governed by the Service Rules framed by the State Government from time to time and it is the prerogative of the State Government to change the service conditions. The State Government has taken a policy decision to change the age of superannuation of the employees from 60 years to 58 years. It is settled proposition of law that this Court cannot interfere with the policy decisions of the State Government while exercising the powers under Article 226 of the Constitution of India unless the same is against the public policy.

11. That apart, the principles of promissory estoppel are not applicable in the instant case in as much as the service conditions of the petitioner are governed by the Rules framed by the State Government from the to time and it is prerogative of the State Government to change the service conditions. In such case, principle of promissary estoppel has no application and this argument raised by the learned Counsel for the petitioner is hereby rejected.

12. Further more, even if the period of training is counted for reckoning the qualifying services for the purpose of pension, then too, the petitioner has not completed qualifying services of 10 years and thus, he is not entitled to get benefit of pension.

13. For the reasons mentioned above, it is held that the petitioner is not entitled to get pensionary benefits as he has not completed qualifying services for the purpose of pension as provided under the Rajasthan Civil Services (Pension) Rules, 1996 and the respondents have rightly denied the same to the petitioner under the Rules.

14. Accordingly, the instant petition is dismissed.

15. No order as to costs.