

(2003) 10 RAJ CK 0042
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3932 of 2001

Sajjan Lal Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-10-2003

Acts Referred:

Penal Code, 1860 (IPC) — Section 467, 468

Citation : (2004) 2 RLW 804 : (2004) 1 WLC 499

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : Narendra Jain, for the Appellant; R.S. Bhati, for the Respondent

Final Decision : Allowed

Judgement

Parihar, J.—Petitioner was initially appointed on the post of Teacher Grade III on 04.09.1963. Confirmation on the above post was also made on 30.04.1964. Since the petitioner had acquired the qualification of Graduate with B.Ed., he was promoted to the post of Teacher Grade II on 13.10.1981. Though a charge sheet under Rule 16 of CCA Rules was issued to the petitioner in June, 1981 prior to his promotion to the post of Teacher Grade II, however, no further enquiry was held.

2. Subsequently, a fresh charge sheet was issued to the petitioner under Rule 16 of the CCA Rules on 07.05.1991 with the allegation that at the time of initial appointment on 04.09.1963 on the post of Teacher Grade III, the petitioner had submitted a forged mark sheet of Higher Secondary. After holding an enquiry in the above charge sheet, a penalty was imposed on the petitioner vide order dated 14.10.1993. The petitioner was reverted back to the post of Teacher Grade III and further promotions and selection scale were also withheld by way of punishment.

3. Ultimately, the petitioner retired from service on reaching the age of superannuation on 31.01.2000 from the post of Teacher Grade III. Though GPF and Insurance amount was paid to the petitioner, however, having denied the

benefit of Revised Pay Scales, due increments as also the pension, the present writ petition has been filed on 06.08.2001.

4. In reply to the writ petition, it has been submitted on behalf of the respondents that since an FIR has been registered against the petitioner for an offence u/s 467, 468 IPC on 09.02.2002, the petitioner was not entitled for payment of arrears of Revised Pay Scales as also the other retiral benefits.

5. Subsequently, the petitioner has also submitted an additional affidavit stating therein that the police has already submitted a final report on 31.05.2002 in the FIR, as mentioned in the reply.

6. After hearing counsel for the parties, I have carefully gone through the material on record.

7. The only ground on which the petitioner has been denied pension and other benefits as claimed in the present writ petition has been that an FIR was registered on 09.02.2002 against the petitioner. The allegation is that the petitioner submitted a forged mark sheet in the year 1963 at the time of his appointment on the post of Teacher Grade III. It is not known as to under what circumstances the FIR could be lodged after more than 39 years of the incident, moreso, when the petitioner had already retired from service on 31.01.2000. That apart, the petitioner also having punished for the same offence in the year 1993 itself by way of reversion to the post of Teacher Grade III. Apart from a final report already having been submitted by the police, I find no justification whatsoever to deny the benefit of Revised Pay Scales, as revised from time to time, to the post of Teacher Grade III as also pension when the petitioner already having punished for the same offence in the year 1993. No rule or circular whatsoever has been brought to the notice of the Court by the respondents for denying the claim of the petitioner as made in the present writ petition. There appears to be a sheer, callous and indifferent mechanical approach of the authorities of the respondents in the present matter.

8. Accordingly, the writ petition is allowed. The respondents are directed to make the fixation of the petitioner in Revised Pay. Scales as is made applicable by the State Government from time to time on the post of Teacher Grade III, granting annual grade increments and arrears be paid accordingly. After proper fixation, the Gratuity and Pension may also be paid to the petitioner within sixty days from the date of receipt of certified copy of this order. The petitioner shall also be entitled for interest at the rate of 10% per annum on the entire amount of arrears of fixation of the pay, increments, Gratuity and pension w.e.f. 01.02.2000 till the date of actual payment. Having considered entire facts and circumstances, since the due amount has been denied to the petitioner without any rhyme or reason, I deem it proper to direct the respondents to pay a cost of Rs. 20,000/- also to the petitioner within the aforesaid period.