
(1992) 03 RAJ CK 0006
In the Rajasthan High Court
Case No : Civil Writ Petition No. 592 of 1992

Smt. Basanti Devi

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 31-03-1992

Acts Referred:

Citation : (1992) 2 WLC 103 : (1992) 2 WLN 471

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Judgement

B.R. Arora, J.—The petitioner was serving as a Bal Sevika, in the Social Welfare Department. After attaining the age of superannuation, she retired from service on June 14, 1980. The case of the petitioner is that after her retirement, she was neither paid any pension nor the gratuity. She has, therefore, prayed that the respondents may be directed to make the payment of Rs. 1,04,654/- on account of arrears of gratuity and pension alongwith interest to the petitioner. The respondents, in their reply to the Show Cause Notice, issued by this Court, have stated that only two months salary of the petitioner was due at the time of retirement, which could not be paid to her on account of paucity of the funds. So far as the claim of the petitioner regarding the grant of pension and gratuity for the employees of the Project, run under the Rajasthan State Social Welfare Advisory Board, is concerned, it is contended that there was no such provision at the time when the petitioner retired from the service, and therefore, the petitioner is not entitled for any gratuity or the pension.

2. It is not in dispute that the petitioner was working in the Social Welfare Department as Bal Sevika and at the relevant time, the services of the petitioner were governed by the Rules and Regulations of the Central Social Welfare Board and she is entitled for only those benefits which were available to her under the Rules and Regulations of the Central Social Welfare Board and there was no provision for the grant of pension under the Central Social Welfare Board and, therefore, the petitioner was not entitled for the pension under those Rules.

Merely because while relieving the petitioner after attaining the age of superannuation, in the letter dated June 28, 1980, it has been mentioned that "your services come to an end and you stand retired on June 30, 1980, as per the Rajasthan Service Rules" will not make the Rajasthan Service Rules applicable to the petitioner. The petitioner was working in the Social Welfare Department and at the relevant time she was governed by the Rules and Regulations of the Central Social Welfare Board, which do not provide for the grant of pension and, therefore, no pensionary benefit can be given to the petitioner.

3. So far as the eligibility of the petitioner for the gratuity is concerned, as there is an order of the competent Court, passed in favour of the petitioner, and that order has not been challenged before me and, therefore, I do not express any opinion with respect to the grant of gratuity. The parties, if they so like, may proceed in the competent Court for the enforcement and for setting aside that order.

4. So far as the two months' salary is concerned, the respondents, in their reply, have admitted that two months' salary was not paid to the petitioner due to paucity of the funds. It is expected that since the petitioner retired in the year 1980 and the payment of the salary must have been made to the petitioner by now, but if the arrears of the salary has not been paid as yet, then the same may be paid to the petitioner within three months from today with interest @ Rs. 18% per annum.

5. With these observations, the writ petition, filed by the petitioner, is disposed of.