

(2024) 11 RAJ CK 1310

In the Rajasthan High Court, Jaipur Bench

Case No : Civil Writ Petition No. 13123 Of 2024

Subrata Saha

APPELLANT

Vs

The State Of Rajasthan

RESPONDENT

Date of Decision : 25-11-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 174, 397, 401
Indian Penal Code, 1860 — Section 120(b), 304(b), 498(a), 406
Evidence Act, 1872 — Section 32, 113(b)

Citation : (2024) 11 RAJ CK 1310

Hon'ble Judges : Sameer Jain, J

Bench : Single Bench

Advocate : Tanmay Dhand, Rishi Raj Singh Rathore, Peush Nag

Final Decision : Disposed of

Judgement

Dinesh Mehta, J

1. Instant writ petition lays challenge to the order dated 29.07.2024 passed by the respondent no.2 – Joint Secretary, General Administration (Group-V) Department, whereby the petitioner has been compulsory retired by invoking rule 53(1) of the Rajasthan Civil Services (Pension) Rules, 1996 (hereinafter referred to as 'the Pension Rules, 1996').

2. The case at hands is a classic case of inappropriate, if not abuse, of the powers, which the Rule making authority chose to confer upon the State Government. The power which has been delegated to deal with really grave cases - when an employee becomes deadwood for the department, has been used to divest itself of an employee, who has been litigating against the department and to their dismay, succeeding in almost every case.

3. Mr. Choudhary, learned counsel for the petitioner navigated the Court through the record of the case and submitted that the petitioner, who hails from West Bengal, got selected on the post of Manager Garde-II vide order dated

06.01.1998. According to him, the petitioner has been discharging his duties with utmost sincerity and diligence and every thing went on well until he was posted in Sirohi, when his subordinate staff including Accounts Staff did not cooperate and refused to pay the bills of the vendors.

4. The petitioner had to meet out the expense out of his own pocket or by taking loan from his old aged pensioner father and his wife. When the due amount swelled to a point beyond his means, he requested and wrote letters to the State Government to ensure that payment of due bills is made and precisely this was the reason, the atmosphere turned hostile against him.

5. Learned counsel invited Court's attention towards various representations, which the petitioner had made before the State Government and contended that having spent such a huge amount (approx. Rs.22 Lakhs) from his own sources, simply because the petitioner corresponded with the State Government, he has been accused of indiscipline.

6. He stated that another incident was when the local MLA (Ota Ram Devasi) expressed his displeasure qua him, that too when the petitioner asked him (MLA) to make payment for the two rooms of Circuit House, which he kept occupied for two years, without even paying a single penny. He got annoyed by such insistence and made a complaint.

7. He added that another incident can be the incident when he allegedly provided unclean and untidy room to the Chairman of Rajasthan State Commission for Protection of Child Rights, while he was in Dungarpur.

8. Learned counsel asserted that except these two trivial incidents, no complaint was ever made against the petitioner and that is why, when the list of persons to be considered for promotion on the post of Deputy General Manager was being prepared, petitioner's particulars and credentials were sent to the State Government.

9. But to the dismay of the petitioner, in order to give promotion to a blue eyed person (Harish Kumar Kulshreshtha) of the respondents, a circuitous way was devised and by way of misusing the powers under rule 53 of the Pension Rules, 1996, the petitioner has been made to retire.

10. It was informed that the petitioner made a representation against the order dated 29.07.2024 and stated that he has been compulsorily retired in order to give way to said Harish Kumar Kulshreshtha, who was just below him in the seniority. But by the time it could be heeded to, petitioner's apprehension turned out to be true, as immediately after compulsorily retiring the petitioner, on 22.08.2024, said Harish Kumar Kulshreshtha was promoted.

11. Learned counsel for the petitioner relied upon following judgments:-

(i) Baikuntha Nath Das & Anr. vs. Chief District Medical Officer, Baripada & Anr., reported in (1992) 2 SCC 299.

- (ii) State of Orissa & Ors. vs. Ram Chandra Das, reported in (1996) 5 SCC 331.
- (iii) I.K. Mishra vs. Union of India & Anr., reported in (1997) 6 SCC 228.
- (iv) Nand Kumar Verma vs. State of Jharkhand & Ors., reported in (2012) 3 SCC 580.
- (v) Smt. Raj Kumari & Ors. vs. The State of Rajasthan & Ors. (S.B. Civil Writ Petition No. 2781/2002) decided on 18.08.2015 - Para No. 10.
- (vi) Central Industrial Security Force vs. HC (GD) Om Prakash, reported in 2022 LiveLaw (SC) 128 – Para Nos. 14 and 15.
- (vii) Captain Pramod Kumar Bajaj vs. Union of India & Anr., reported in 2023 LiveLaw (SC) 165.

12. It may be noted that on previous date of hearing (11.11.2024), having heard learned counsel for the parties at some length, Mr. Mahaveer Bishnoi, learned Additional Advocate General was directed to produce the relevant record for perusal of the Court so as to find out as to whether the petitioner's case has been aptly dealt with by the Committees constituted for the purpose of compulsory retirement, as per the Circular issued by the Department of Personnel.

13. The record has been produced and reply has been filed.

14. Mr. Bishnoi, learned Additional Advocate General took the Court through the record and argued that when it comes to compulsory retirement, it is always a subjective satisfaction of the employer and the scope of High Court's interference is very limited. He added that the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot substitute its own finding as to whether the decision of the employer to retire an employee was justified or not.

15. Learned Additional Advocate General submitted that a High Level Committee consisting of three Senior Officers has thoroughly examined the entire record in its meeting dated 12.07.2024 and recorded a finding that the petitioner is indifferent towards his duties and unwilling to work and concluded that looking to his working style, it is in public interest to retire him.

16. Learned Additional Advocate General submitted that the procedure given under rule 53(1) of the Pension Rules, 1996 and the Circulars issued by the Department of Personnel in this regard have duly been followed and the High Level Committee, constituted by the Department of Personnel after thoroughly examining the service record of the petitioner came to a conclusion that it would be in the interest of the Government to compulsorily retire the petitioner and hence, no case worth interference is made out.

17. Learned Additional Advocate General took the Court through the note-sheets and argued that sufficient reasons have been recorded by the Committee and since neither the rule 53 of the Pension Rules, 1996 nor does the law on the

subject require observance of principles of natural justice, the order cannot be faulted on the ground of non-adherence to the principles of natural justice.

18. Mr. Bishnoi cited following judgments to lend support to his stand:-

(i) Rajendra Singh Verma (Dead) through LRS & Ors. vs. Lieutenant Governor (NCT of Delhi) & Ors., reported in (2011) 10 SCC 1.

(ii) Punjab State Power Corporation Ltd. & Ors. vs. Hari Kishan Verma, reported in (2015) 13 SCC 156.

(iii) Bishwanath Prasad Singh vs. State of Bihar & Ors., reported in (2001) 2 SCC 305.

(iv) Deputy Commissioner, Kendriya Vidyalaya Sangathan & Ors. vs. J. Hussain, reported in (2013) 10 SCC 106.

(v) Ashok Kumar Tyagi vs. High Court of Judicature for Rajasthan & Anr. (D.B. Civil Writ Petition No. 11039/2010) decided on 26.10.2017.

19. Heard learned counsel for the parties and perused the record.

20. The copious record, which has been produced by the learned Additional Advocate General contains a score of representations, which the petitioner had addressed to the State Government for redressal of his grievances so also the orders passed by this Court and Civil Services Tribunal qua his posting, transfer etc. It also contains photocopies of two orders, which have also been placed by the State Government alongwith reply, being orders dated 20.09.2022 (Annexure-R/5) and (Annexure-R/6).

21. On perusal of the record and reply filed by the respondents, this Court finds that two disciplinary inquiries against the petitioner had been initiated under rule 17 of the Rajasthan Civil Services (Classification, Control and Appeals) Rules, 1958 (hereinafter referred to as 'the Rules of 1958'); out of which one culminated into a token penalty of censure and other resulted in warning.

22. If the charges levelled against the petitioner in these two charge-sheets and findings recorded therein are looked at, the same hardly brings to fore any serious indolence or negligence on the part of the petitioner, let alone misconduct.

23. The record produced by the State contains a two member Committee report dated 21.05.2024, which opined that the petitioner be compulsorily retired while invoking rule 53 of the Pension Rules, 1996.

24. What was the occasion or reason or the trigger point to kick-start the proceedings is anybody's guess. It is a question, that remained unanswered by the State. The respondents have made reference of a order dated 23.05.2024, which was issued by the Department of Personnel eliciting information of the employees of different department whose services are not fit to be continued in public interest and prepare a list to be sent for consideration of Internal Screening Committee. But surprisingly enough, the petitioner's case was

considered two days in advance by the Committee comprising of - (i) Rajendra Singh Shekhawat, Assistant Secretary; (ii) Neetu Rajeshwar, Joint Secretary.

25. Such Committees are constituted in order to clear deadwood in the departments and generally a number of cases are considered from time to time - such Committees are rarely constituted in order to deal with a solitary case.

26. Circulars issued by the Department of Personnel in terms of Rule 53 of the Pension Rules, 1996 provide that the appointing authority will constitute an Internal Assessment Committee and recommendation made by such committee will be submitted for scrutiny to the State Level Review Committee and then, the same will be ratified/approved by the Minister of such Department and finally by the High Level Committee. It will not be out of place to reproduce the guidelines issued by the Department of Personnel alongwith its order dated 23.05.2024, as under:-

27. The record shows that on 31.05.2024, Internal Assessment Committee was constituted in which two members nominated were - (i) Assistant Secretary, General Administration (Group-5) Department and (ii) Section Officer of such department. State Level Review Committee was constituted in which two members were (i) Joint Secretary, General Administration Department and

(ii) Assistant Secretary, General Administration (Group-5) Department. The note-sheets reveal that the said report dated 21.05.2024 was treated to be report of State Level Review Committee, which got approved by Hon'ble the Chief Minister on 08.07.2024 and was ordered to be placed before the High Level Committee comprising of Principal Secretary of General Administration Department, Principal Secretary, Law or his nominee and Joint Secretary of the General Administration Department.

28. The note-sheets reveal that on 11.07.2024, it was decided to hold meeting at 2:30 p.m. on the very next day - 12.07.2024. And on 12.07.2024, the High Level Committee resolved to recommend that the petitioner be compulsorily retired by

observing thus:-

29. If the report of the so called State Level Review Committee dated 21.05.2024 produced for perusal of the Court is examined, it is apparent that the reasons for which the Committee got swayed or influenced is, the number of cases, which the petitioner has filed against the State. The Committee has though referred to two instances (complaint filed by MLA of Sirohi so also newspaper report indicating that the Chairman of Rajasthan State Commission for Protection of Child Rights has not been provided with a befitting accommodation), but has not considered the aspect that he was not even penalised for those incidents and censure and warning was issued. There is no material worth the name for which, action as stern as compulsory retirement was warranted.

30. Having waded through the report of the Committee (State Level Review Committee) dated 21.05.2024, this Court has every reason to believe that the Committee was pre-determined and had set within an agenda to scoop the petitioner out. There is neither any allegation of any aberration in petitioner's integrity nor has the petitioner been found incapacitated or otherwise incompetent, which are a condition precedent to invoke Rule 53 of the Pension Rules, 1996.

31. Learned Additional Advocate General has not been able to satisfy the Court as to how these proceedings under Rule 53 of the Pension Rules, 1996 were initiated. It cannot just be a coincidence that Ms. Neetu Rajeshar, Joint Secretary of the General Administration Department decided petitioner's representation pursuant to order passed in petitioner's writ petition No. 3875/2023 and on very same day, she sat alongwith Rajendra Singh Shekhawat – the Assistant Secretary of the General Administration Department and prepared a report dated 21.05.2024, which has been taken to be a report of the State Level Review Committee, though its genesis and formation is unknown.

32. Immediately on the said report being prepared (on 21.05.2024), the file moved faster than usual pace in the bureaucracy and within no time, the same was processed in the General Administration Department for doing the needful for consideration of the matter by the High Level Committee. The matter was then hurriedly placed before the State Level Committee on 12.07.2024 and sole case of the petitioner was discussed to recommend that the petitioner be given compulsory retirement under Rule 53(1) of the Pension Rules, 1996 by observing what has been noted in Para No. 28 above.

33. It would not be out of context to keep Rule 53 of the Pension Rules, 1996 handy to examine the legality and propriety of the

proceedings:-

53. Compulsory retirement on completion of 15 years qualifying service.

(1) At any time, after a Government servant has completed 15 years qualifying service or has attained the age of 50 years, whichever is earlier, the appointing authority, upon having been satisfied that the concerned government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, has lost his utility, may require the concerned Government servant to retire in public interest after following the procedure laid down by the Government in Department of Personnel/Administrative Reforms Department. In case of such retirement, the Government servant shall be entitled to retiring pension.

(2) In such a case, the appointing authority shall give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

(3) The appointing authority may publish the order of such retirement in Rajasthan Rajpatra, and the Government servant shall be deemed to have retired on such publication, if he has not been served with the retirement order earlier.

(4) In such a case, the compulsorily retired employee may represent against the order of compulsory retirement within a period of 30 days to:-

1.the H.E. the Governor : For employees of State Services

2. the Committee of Secretary, Department of Personnel and one other Secretary to Government to be nominated by Chief Secretary in each case : For employees other than State Services

Provided that before deciding the representation, comments of the appointing authority shall be obtained.

(5) In case it is decided to re-instate a prematurely retired Government servant in service after considering his representation, the authority shall pass order regarding the period intervening between the date of premature retirement and the date of re-instatement/ age of superannuation, as the case may be.

EXPLANATION - For the purpose of this rule, the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant is retired."

34. If the mandate of sub-rule (2) of rule 53 of the Pension Rules, 1996 is taken into account, this Court feels that providing an opportunity of hearing is necessary. Use of expression in Sub-rule (2) of Rule 53 of the Rules of 1996 that the competent authority shall issue a notice of three months cannot be given a go-bye. True it is, that it does speak of "or three months' pay and allowances in lieu of such notice".

35. But, simply by giving three months' salary and allowances in lieu of such notice, the State cannot absolve itself of its statutory duty to adhere to principles of natural justice, which are the cornerstone of administrative law and what is required by sub-rule (2) of rule 53 of the Pension Rules, 1996.

36. Before taking a final view of the matter, it will be apt to get abreast with the judicial precedents that have been cited by rival counsel.

A. The judgments cited on behalf of the petitioners:

(i) In the case of Baikuntha Nath Das (supra), Hon'ble the Supreme Court has clearly held that the scope of judicial scrutiny in the matters of compulsory retirement is not excluded altogether. When the High Court is satisfied that

(a) the order is passed mala-fidely; (b) based on no evidence; and (c) it is arbitrary in the sense that no reasonable person would form such an opinion on the given material, the High Court can exercise its powers under Article 226 of the Constitution of India.

(ii) In the case of Ram Chandra Das (Supra), Apex Court dealt with two fold questions that whether adverse entries and pending departmental proceedings would be sufficient to compulsorily retire the Government servant and whether respondent was entitled to get benefit of pension when compulsorily retired? Hon'ble the Supreme Court held that self-same material after promotion may not be taken into consideration to deny further promotion, but such material is nevertheless crucial for the Government to decide necessity of such Government servant to continue in services. Merely, because a promotion was given even after adverse entries were made in the service record, cannot be a ground to hold that compulsorily retirement of the Government servant could not be ordered and respondent was held entitled to all the pensionary benefits, as compulsory retirement is not a punishment.

(iii) In the case of I.K. Mishra (supra), the appellant while working as Auditor was accorded selection grade and subsequently compulsorily retired from services. The question was - whether it was justified for the High Court to intervene in case of compulsory retirement? While dismissing the appeal, reliance was placed on Baikuntha Nath Das (supra) and it was held by Hon'ble the Supreme Court that the principles of natural justice have no place in compulsory retirement, but this does not imply that judicial scrutiny is to be excluded altogether, High Court may interfere when there exists allegation that either entire service record has not been considered or on account of malafide/perversity.

(iv) In the case of Nand Kumar Verma (supra), the main issue was whether the High Court was justified in demoting appellant from post of CJM to that of Munsif (Civil Judge) and whether such an order to compulsorily retire was passed in public interest? While allowing appeal and categorically distinguishing between the settled position, it was held by Hon'ble Supreme Court that compulsory retirement based on subjective satisfaction must emanate from sufficient/relevant material on record and thus all monetary benefits from date of notional posting to that of retirement shall flow.

(v) In the case of Central Industrial Security Force (supra), appeal was filed challenging Division Bench judgment whereby order of premature retirement against the respondent was set aside. Hon'ble the Supreme Court held that the High Court has erred in applying principles laid down in the case of Baikuntha Nath Das (supra), as in order to decide this question entire service record is to be taken into consideration which would include ACR's of period prior to promotion. Such an order originates from mixed bag of ACR's though the recent reports carry their own weight, hence order of the High Court to intervene and set aside premature retirement was considered unsustainable.

(vi) In the case of Captain Pramod Kumar Bajaj (Supra), the order of Hon'ble the President of India to compulsorily retire appellant was challenged. While allowing the appeal it was held by Hon'ble Supreme Court that such decision was not taken till very far end of his career. The Court was rather doubtful about approach of the respondents in light of sudden apparent contradictions, when

just 3 months were left for appellant's retirement. Considering that the said order was rather punitive and was passed with the sole vendetta to ensure his immediate removal, Apex Court held that the same clearly failed to qualify the underlying test of public interest.

B. The judgments cited by the respondents:

(i) In the case of Rajendra Singh Verma (supra), the petitioner was made to compulsorily retire by a Screening Committee, which was constituted for screening the cases of those officers of the D.H.J.S. and Delhi Judicial Service, for considering the question whether those Judicial Officers should be continued in service or should be prematurely retired in public interest. It was held by the Apex Court that while undertaking the exercise of judicial review, it is the duty of the Court to keep in mind the nature of function being discharged by the judicial officer, the delicate nature of the exercise to be performed by the High Court on administrative side while recording the ACR and the mechanism/system adopted in recording such ACR. The honesty and integrity of judges is expected to be beyond doubt.

(ii) In the case of Punjab State Power Corporation (supra), the singular question that arose for consideration before the Apex Court was whether the order passed by PSEB of compulsorily retiring its employee is sustainable in law or is it vulnerable being ex-facie stigmatic. Hon'ble the Supreme Court while affirming the retirement has held that the decision has been taken after entire record having been scrutinized, taking into consideration valid punishments and critically scrutinizing the ACRs.

(iii) In the case of Bishwanath Prasad Singh (supra), petitioner, who was a member of Bihar Superior Judicial Service, sought issuance of mandamus directing the State of Bihar to frame rules for enhancement of age of superannuation of the judicial officers of the State and to quash the decision of Registrar General to not allow him the benefit of enhancement of the retirement age from 58 years to 60 years. It was held by the Apex Court that a blanket extension in the age of superannuation is not what was intended by this Court nor is the same going to serve the public interest. The rules need to be so framed or amended as to give benefit of extended superannuation age only to such judicial officers about whom the High Court feels satisfied of their continued utility to the judicial system.

(iv) In the case of Deputy Commissioner, Kendriya Vidhyalaya (supra), the only question that needed to be examined was whether the penalty of removal from service inflicted upon the respondent therein by the appellant-school offends the principle of proportionality. The employee therein, entered the school premises in working hours in an inebriated condition and thereafter forcibly entered into the Principal's room. While upholding the penalty of removal, Hon'ble Apex Court observed that for such a misconduct, penalty of removal cannot be treated as disproportionate. In the peculiar facts of the case, Supreme Court has held that

Court should not interfere in administrative decision unless the same shocks the conscience of the Court and the Court is forced to find it as totally unreasonable and arbitrary.

(v) In the case of Ashok Kumar Tyagi (*supra*), the petitioner has challenged the action of the High Court and State Government in compulsorily retiring him from judicial services. Hon'ble the Supreme Court while observing that neither the opinion of committee was arbitrary nor capricious nor can be said to be irrational, so as to shock the conscience of this court to warrant any interference, held that the High court or this Court would not examine the matter as appellate court but they may interfere if they are satisfied that the order has been passed (a) mala-fide (b) that it is based on no evidence or (c) that it is arbitrary-in the sense that no reasonable person would form the requisite opinion on the given material.

7. The facts of the present case in no manner reveals petitioner's misconduct, indolence or unsatisfactory work performance and thus, is clearly distinguishable from the facts of the cases cited by learned counsel for the respondents.

38. True it is, that line of judgments of Hon'ble the Supreme Court hold that the principles of natural justice are not strictly required to be followed. But, if the statute in question is considered, according to this Court, the requirement of observance of principles of natural justice is necessary and it is only in exceptional/peculiar cases, the State can dispense with such requirement.

39. In cases, where the facts and record reflecting upon integrity of a government employee are so grave and glaring that the State does not deem it expedient and in public interest to allow such person to continue in the office for three months or the employee is so incapacitated that his continuation in the office would hinder the administration of the department or when the observance of principles of natural justice has become impossible, the State can resort to alternative mode namely by giving three months' salary in lieu of notice.

40. Sub-rule (2) of the Rule 53 of Pension Rules, 1996 provides that the appointing authority shall give a notice of atleast three months before the date on which the Government servant is required to retire. Three months' notice is not an empty formality. It not only ensures observance of principles of natural justice – it fixes a definite date of retirement, which would in any case be after three months. The latter part of the provision which dispenses with the requirement of issuance of notice has a drastic consequence – it not only takes away right of a Government servant to put forth his defence but also obtrude the retirement with immediate effect.

41. In the instant case, the order of compulsory retirement has come as bolt from the blue to the petitioner - he was waiting for consideration of his case for promotion and what he has been visited with is, the order of compulsory retirement.

42. Had the petitioner been provided with an opportunity of hearing, perhaps he

would have satisfied the respondents that what had been recorded against him, was factually incorrect. That apart, if the material which has been brought before the Committee and the conclusion drawn by it is judicially scanned, according to this Court, no person of reasonable prudence could have reached to such a conclusion, which the Committees have reached.

43. In the instant case, if the respondents would have adhered to mandate of Rule 53 of Pension Rules, 1996, the date of retirement could not have been any date prior to 31.10.2024 whereas he has been made to retire on 29.07.2024. Such decision taken by the State fortifies petitioner's allegation that he has been compulsorily retired to pave the way for promoting the favoured one. For, he has actually been promoted vide order dated 22.08.2024 – the possibility that the petitioner has been clandestinely retired with effect from 29.07.2024 cannot be ruled out. The tenor of the order and the manner in which the proceedings have been held reeks of arbitrariness and favouritism.

44. It is pertinent to note that as per the Circular dated 17.05.2018 and order dated 23.05.2024 issued by Department of Personnel, the cases of all the employees, who have served for 15 years and who have crossed 50 years' of age are to be scrutinized, whereas there is no report of such Committee, which should have been of Assistant Secretary of General Administration Department and Section Officer. Then such list is required to be assessed by the State Level Review Committee comprising of Joint Secretary and Assistant Secretary (Group-5). It is surprising to note that said Committee was constituted on 31.05.2024, whereas the entire matter had been proceeded on the basis of report dated 21.05.2024, which has been taken to be the report of State Level Review Committee. More so, there was no report of Internal Assessment Committee. It is, thus, clear that the respondents have not followed the procedure prescribed in the Circular issued by the Department of Personnel from time to time.

45. Furthermore, the report dated 21.05.2024 and the recommendation of the State Level Review Committee (reproduced in Para No.28) show that no serious irregularity or lapse was found in the service record of the petitioner. This Court fails to understand that how could two-three instances, which have been mentioned in these reports (for which disciplinary inquiry was conducted and penalty of censure and warning were given) could form the basis of compulsory retirement. The petitioner had remained APO (Awaiting Posting Order) and he has filed six cases in last six years – If these were the reasons, which prevailed with the State, this Court would certainly hold that an employee cannot be penalized for having taken legal remedies.

46. This Court is of the view that the respondents' approach was highhanded, partisan and arbitrary – it was not a case warranting invocation of Rule 53 of the Pension Rules, 1996. Having gone through the record, this Court comes to a conclusion that the competent Committee has not objectively considered the record and has passed the order impugned vindictively. The petitioner should not

rather could not have been retired compulsorily.

47. The writ petition is, thus, allowed. The impugned order dated 29.07.2024 passed by the respondents compulsorily retiring the petitioner, is hereby quashed and set aside.

48. The respondents are directed to provide posting to the petitioner at appropriate place within a period of 15 days from today. The petitioner shall have to join at such place within 10 days of the posting being provided to him.

49. So far as petitioner's other prayer in relation to promotion is concerned, no specific direction is required; as a fall out of the quashment of order impugned dated 29.07.2024, what is to follow shall obviously follow – the respondents shall convene review DPC for the promotion to the post of Deputy General Manager.

50. In relation to petitioner's prayer for directing the respondents to pay the amount which he has spent out of his own sources while working in Circuit House, Sirohi and Dungarpur, this Court deems it appropriate to direct the petitioner to file a representation before the Secretary, General Administration Department alongwith the proof of the amount he has spent within a period of 30 days from today.

51. The Secretary, General Administration Department shall nominate one of its Accounts Officer and call the petitioner (if required) and in case, his claim is found justified, necessary payment shall be made in accordance with law within a period of three months from the date of receiving the representation.

52. Stay application also stands disposed of, accordingly.