HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 13923/2024

Anju Bhatnagar W/o Shri Sunil Bhatnagar, Aged About 60 Years, R/o 15, Chitra Gupt Marg, Near Mahila Mandal School, Udaipur, District Udaipur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Director, Secondary Education, Bikaner, District Bikaner, Rajasthan.
3. The Joint Director (School Education), Udaipur Zone, District Udaipur, Rajasthan.
4. The District Education Officer, (Headquarter), Secondary Education, Udaipur, District Udaipur, Rajasthan.
5. The Treasurer, Office Of Treasury, Udaipur, District Udaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Mohan Singh Shekhawat Mr. Kunal Singh Rathore
For Respondent(s)	:	--

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/08/2024

1. Learned counsel for the petitioner submits that the petitioner has superannuated on 30th June and the controversy involved in the present case is squarely covered by a judgment dated 21.07.2023 of this Court at Jaipur Bench rendered in a batch of writ petitions led by **S.B. Civil Writ Petition No.21/2020 (Vijay Singh vs. State of Rajasthan & Ors.)**. The operative part of the said order is reproduced as under:-

> "41. Hence, looking to the binding effect of above judgment of Hon'ble Apex Court in the case of C.P. Mundinamani (supra) and All India Judges Association(supra), it is held that the petitioners would be entitled to get the benefits of increment falling due on 1st July on account of their conduct for the requisite length of time i.e. one year. The petitioners would be entitled to get notional payment on 1st July, notwithstanding their superannuation on 30th June.
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> 42. The respondents are directed to consider the case of the petitioners afresh in the light of the observations made hereinabove and thereafter grant notional increment to the petitioners. The petitioners' pension would consequently be refixed. The appropriate orders be issued and the arrears of pension be paid to the petitioners within a period of three months from the date of receipt of certified copy of this order.
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> 43. With the aforesaid directions, all these petitions stand disposed of.
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> 44. Stay applications and all applications (pending, if any) also stand disposed of"

2. Learned counsel, therefore, prays that the petitioner may be permitted to file a detailed representation before the competent authorities for redressal of her grievances.

3. In view of the above, the present writ petition is disposed with liberty to the petitioner to file a representation to the competent authorities of the department and the competent authorities of the department are directed to decide the

same within a period of four weeks from the date of receipt of such representation; and if the case of the petitioner falls within the purview of the law laid down by this Court in the case of **Vijay Singh (supra)**; the same shall be decided in terms of the judgment above.

4. The order has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions made in the petition and only in case the averments made therein are found to be correct, the petitioner would be entitled to the relief sought.

5. Stay application also stands disposed of, accordingly.

(FARJAND ALI),J

66-Ashutosh/-