HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 103/2024

1. State Of Rajasthan, Through Secretary Department Of Transport, Government Of Rajasthan, Jaipur.
2. The Managing Director, Rsrtc, Chomu House, Jaipur.
3. The Executive Director (Admn.), R.s.r.t.c.
4. The Chief Manager, R.s.r.t.c.

----Appellants

Versus

1. Lrs Of Bhagwan Singh, Through -

1/1. Smt. Kamla W/o Late Shri Bhagwan Singh, Aged About 60 Years, R/o Ward No. 46, Indira Nagar, Barmer.

1/2. Mohit Singh S/o Late Shri Bhagwan Singh, Aged About 27 Years, R/o Ward No. 46, Indira Nagar, Barmer.

----Respondents

For Appellant(s) : Dr. Gopal Raj Kalla.
For Respondent(s) : Mr. Hapu Ram.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

27/01/2025

Heard on admission.

2. This appeal is directed against the order dated 16.05.2023 passed by the learned Single Judge, whereby the learned Single Judge has allowed the writ petition filed by the respondent employee and a direction has been issued for inclusion of the entire period of service irrespective of the nature and capacity in which the respondent worked in the employment for the appellant.

3. Learned counsel for the appellants assailed the correctness and validity of the order passed by the learned Single Judge

mainly on the ground that the respondent was not entitled to seek inclusion of the period of service rendered by him in daily wages capacity as it does not form part of the service and he was entitled to pension by taking into consideration only that part of service which was rendered by him in regular capacity after regularization.

4. We find that the learned Single Judge while granting relief to the respondent has taken into consideration that when the respondent employee applied for grant of voluntary retirement under the Regulation 18(D)(2) of the Standing Orders of 1965, the entire period of services rendered by him in various capacities including daily wages capacity was taken into consideration in the light of the explanation appended to notification dated 12.10.2015.

5. After the respondent-employee was granted voluntary retirement, for the purpose of pension also, the entire period should have been treated as qualifying period of service. At this stage, the appellant denied the benefit of inclusion of that period of service which was included for the purpose of grant of voluntary retirement.

6. In that view of the matter, we find that the learned Single Judge has not committed any illegality in granting relief to the respondent-employee.

7. The appeal, being without merit, is dismissed.

(PRAMIL KUMAR MATHUR),J **(MANINDRA MOHAN SHRIVASTAVA),CJ**

10-a.asopa/-