



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 14657/2026
CNR: RJHC010672912026 | URN: CW / 26733U / 2026

Mahipal Dhaka S/o Ganesh Ram Dhaka, Aged About 39 Years,
R/o Near 33 K.v. Grid, Village Netarwas, District Sikar.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Local Self Department, Government Secretariat, Jaipur, Rajasthan.
2. The Director-Cum Special Secretary, Department Of Local Self, Government Of Rajasthan, Jaipur.
3. The Dy. Director (Regional), Local Self Department, Ajmer.
4. The Municipal Corporation, Bhilwara, Through Its Commissioner, Municipal Corporation, Bhilwara.

-----Respondents

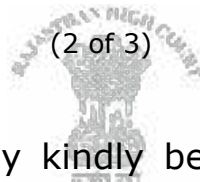
For Petitioner(s)	:	Mr. DS Pidiyar on behalf of Mr. PS Rathore
For Respondent(s)	:	Ms. Pratyiksha Rajpurohit

HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

10/08/2026

1. At the request of and with the consent of the learned counsel appearing for the parties, the matter has been taken up and heard for final disposal at the admission stage.
2. The present writ petition is filed with the following prayers:-
"i. The action of the respondents in placing the petitioner under 'Awaiting Posting Order' vide impugned order dated 10.07.2026 (Annexure-2) may kindly be declared absolutely arbitrary and in clear violation of the provisions of Rule 25 of the Rajasthan Service Rules and contrary to circular dated 08.03.2017 and order dated 19.06.2026, and thus, the impugned order dated 10.07.2026 (Annexure-2) may kindly be quashed and set aside qua the petitioner.



- ii. The respondents may kindly be directed to permit the petitioner to continue his services on the post of Assistant Engineer (Civil) at Municipal Corporation, Bhilwara.
- iii. Any order adverse to the petitioner if passed in the intervening period may also be declared bad in law and the same be also quashed and set aside; and/or
- iv. Any other order or direction which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner."

3. The issue and the facts involved in the present writ petition are similar to the issue and facts as involved in the case of **Laxman Singh Bhati Vs. The State of Rajasthan & Ors.:** S.B. Civil Writ Petition No. 2467/2026, decided on 05.02.2026 wherein, this Court considers the scope of Section 25-A and Rule 7(8)(b) (iii) of the Rajasthan Service Rules, 1951 (hereinafter referred to as 'the Rules of 1951').

4. The relevant paragraphs of the order dated 05.02.2026 passed in Laxman Singh Bhati's case (supra) reads as follows:-

"6. The Rule 7(8)(b)(iii) of the Rules of 1951 reads as follows: **"Rule 7-Unless there be something repugnant in the subject or context the terms defined in this Chapter are used in the rules in the sense here explained:—**

(1) to (7) xxxxxxxxxxxx

(8) Duty:-

(a) xxxxxxxxxxxx

(b) Government may issue orders declaring that in the following circumstance, or in circumstances similar thereto, a Government servant may be treated as on duty.

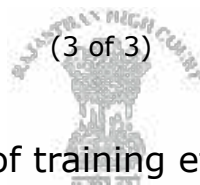
(i) xxxxxxxxxxxx

(ii) xxxxxxxxxxxxxxxx

(iii) In the case of persons who, on their first appointment to State Service, do not, before they report themselves at the seat of Government or other specified station, in accordance with the orders of the appointing authority, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

Note:- Period of compulsory waiting by a Government servant returning from leave or after making overcharge of his old post for orders of Government posting him to a particular post falls in this clause."

7.Rule 25-A of the Rules of 1951 reads as follows:



"25. Pay during course of training etc.—

XXXXXXXXXXXXX

25A. Pay during awaiting posting orders— A Government servant who is compulsorily kept underawaiting posting orders under note below Rule 7(8) (b)(iii) shall be entitled to the pay and allowances at the rate at which he was drawing immediately before relinquishing charge in the old post. He shall not be allowed Conveyance Allowance or permanent Travelling Allowance during the period of awaiting posting order."

8. This Court has considered the circumstances under which APO orders can be passed in **S.B. Civil Writ Petition No.23795/2025: Dr. Ashok Sharma vs. State of Rajasthan & Ors.** The present order was passed on the basis of certain complaints. The order, in effect, amounts to being of a stigmatic nature. The circumstances under which a person can be put on APO by changing the Headquarters are enumerated in the rules referred to hereinabove; however, the present order, being of a stigmatic nature i.e. an APO order, is not one of the enumerated conditions. Therefore, the order impugned dated 28.01.2026 (Annex.1) is liable to beset aside on this ground.

9. In the result, the present writ petition is **allowed** and the order impugned dated 28.01.2026 (Annex.1) is set aside, with liberty to draw fresh appropriate proceedings as per law, if they chooses."

5. In the result, the instant writ petition is also **allowed** in the same terms as in **Laxman Singh Bhati's** case (supra). However, this order will not come in the way of the respondents to take afresh decision in the matter of transfer of the petitioner.

6. All the pending applications, if any, shall stand disposed of.

(YOGENDRA KUMAR PUROHIT),J