



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

S.B. Civil Writ Petition No. 19205/2025

Phoola Ram Fageria S/o Mukna Ram, Aged About 62 Years,
Village Ghanghu, Tehsil And District Churu (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Personnel, Secretariat, Jaipur (Raj.).
2. Deputy Secretary, Department Of Personnel (Group Ka-3)
(Enquiry), Government Of Rajasthan, Secretariat, Jaipur
(Raj.).
3. Secretary, Department Of Higher Education, Secretariat,
Jaipur (Raj.).

----Respondents

For Petitioner(s) : Mr. Narpat Singh Arha

HON'BLE MS. JUSTICE REKHA BORANA

Order

03/10/2025

1. Counsel for the petitioner submits that vide order dated 01.07.2025 (Annexure-12), a punishment of stoppage of 100% pension has illegally been imposed on the petitioner. He submits that the criminal proceedings are still pending and the petitioner has not been convicted so as to conclude that the offence against him was proved.

2. So far as the charges qua willful absence is concerned, it was clear on record that the petitioner was suffering from serious ailments including cancer and had even submitted an application for medical leave at various points of time but the same were not considered.



3. Counsel further submits that the charges pertained to the year 2018 whereas the charge-sheet was served in the year 2020. The punishment has now been imposed after the petitioner having been superannuated and now when he is on his deathbed.

4. Counsel while relying upon a Co-ordinate Bench judgment of this Court at Jaipur in *S.B. Civil Writ Petition No.14891/2023; Mahesh Chandra Soni vs. The State of Rajasthan & Ors.* (decided on 06.03.2024) submits that stoppage of 100% of pension is a harsh punishment as pension not being a bounty, an employee cannot be deprived of the same. Further, the superannuated employee has no other source of income.

5. In view of the submissions made, Issue notice. Issue notice of stay application also.

6. Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the petitioner for service through registered post acknowledgment due.

7. Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

8. Notices be made returnable on 10.11.2025.

9. Meanwhile, effect and operation of order dated 01.07.2025 (Annexure-12) shall remain stayed.

(REKHA BORANA),J

75-KashishS/-