



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11716/2016

Lal Chand

----Petitioner

Versus

State Of Raj And Ors

----Respondents

For Petitioner(s) : Mr. Dharmendra Jain
Mr. Arvind Kumar Arora

For Respondent(s) : Ms. Mahi Yadav, AAG with
Mr. Aaditaya Godara, AAAG and
Mr. Kuldeep Singh Rathore
Mr. Mohammad Ali, OIC, present in
person

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

28/01/2026

1. Considered submissions of learned counsel for the petitioner and learned Additional Advocate General appearing on behalf of the respondents.
2. In pursuant to order dated 16.01.2026, learned AAG has filed on record additional affidavit of Mr. Mohammad Ali, OIC, Executive Engineer, presently posted at PHED, Nawalgarh District Jhunjhunu, with some of the annexures.
3. The instant writ petition is allowed by a Co-ordinate Bench of this Court on 12.10.2017 with following order:-

"The Writ Petition No.5254/2014 is allowed and order dt. 5th March, 2014 is quashed and set aside.

Writ Petition No.11716/2016 is allowed and impugned order dt. 17th September, 2014 is quashed and set aside with the direction to the respondent to take back the petitioner on duty on

(D.B. SAW/511/2022 has been filed in this matter. Please refer the same for further orders)

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the post of Store-Munshi and to confer all the benefits as has been ordered by the learned Labour Court within a period of two months.”

4. During course of arguments, a fact is brought to the notice of the Court that salary till March, 2012 and thereafter from May, 2018 is paid to the petitioner. The State has filed a Special Appeal (Writ) No.511/2022 to challenge interim order dated 29.03.2022 and same was dismissed as withdrawn. The para No.10 of DBSAW clearly indicate that the State has paid salary to the petitioner of period from March, 2011 to March, 2012 and thereafter, May, 2018 to January, 2020. The contention as mentioned in para 10 of SAW petition indicate that the State has paid salary to the petitioner only for the period for actual work rendered by the petitioner.

5. The order dated 12.10.2017 clearly indicate that the respondents were directed to make payment with all benefits as has been ordered by the Labour Court while taking the petitioner on duty on post of Store-Munshi. The order has attained finality. After disposal of writ petition on 12.10.2017, a Co-ordinate Bench has directed to list this writ petition for compliance and since then the writ petition is pending for compliance after disposal.

6. On multiple occasions, this writ petition has been listed before this Court and many times, orders were passed and time was granted to the respondents but till date, nothing has been done except what has been stated hereinabove.

7. One of the order dated 16.05.2019 indicate that the petitioner was asked to submit details of PAN Card so as to release payment and all arrears. Despite procuring details of PAN Card, no payment has been made to the petitioner for the arrears as





directed by a Co-ordinate Bench of this Court. On 04.03.2022 another Co-ordinate Bench has directed that the Principal Secretary, PHED, shall remain present before this Court and on next date i.e. on 23.03.2022, still the directions were not complied. Very same Co-ordinate Bench on 24.03.2022 has observed that the additional affidavit dated 24.03.2022 does not reveal that entire payment has been made to the petitioner. Thereafter, another order dated 29.03.2022 is passed and same was challenged by filing DBSAW No.511/2022. The DBSAW has since been withdrawn and it does not survive now. By order dated 29.03.2022 again it was made clear that failing compliance, the ACS, PHED, shall remain present in the Court.

8. Aforementioned circumstances clearly indicate that the respondents are neither complying with the orders of this Court nor they have shown their intention to comply the orders. Learned Additional Advocate General has requested for time and today she requested for some more time.

9. The litigation of State is depend upon the presentation made to the Court by the Government Counsel on feedback provided by the Officer-in-charge but in the instant case the Officer-in-charge has not placed on record calculation and computation sheet to show compliance of the orders passed by this Court. The material on record clearly indicate that the respondents are deliberately avoiding the compliance of the order, therefore, we have no option except to consider in passing something unusual and it is appropriate that the respondents (ex-officio) shall face some hardship for non-compliance.





10. Thus, it is directed that the Treasury (Finance Department) shall not make any payment of salary to the Principal Secretary/Secretary, Public Health Engineering Department, Jaipur, the Executive Engineer, Public Health Engineering Department, City Division, Jhunjhunu, the Assistant Engineer, Public Health & Engineering Department, Nawalgarh District Jhunjhunu, the Executive Engineer, Public Health Engineering Department, Rural Division District Jhunjhunu and the Chief Engineer (Administration), Public Health Engineering Department, Rajasthan, Jaipur, till the compliance of order dated 12.10.2017.

11. If any part of salary or any benefit is distributed to any of these Officers then stern action shall be taken against the Treasury Officer of the concerned District.

12. List for filing of compliance report on top of the Board on 10.02.2026.

(ASHOK KUMAR JAIN),J

MR/14