



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



S.B. Civil Writ Petition No. 5502/2007

K C Jain S/o Shri Ramji Lal Jain, aged 65 years, R/o 578, Vijay Nagar, Alwar (Raj)

----Petitioner

Versus

1. State of Rajasthan through its Secretary, Department of Law, State Secretariat, Jaipur (Raj)

2. District & Session Judge, Alwar (Raj)

----Respondent

For Petitioner(s) : Mr. Sunil Samdaria
Mr. Arihant Samdaria
For Respondent(s) : Mr. Chandra Shekhar with
Mr. Sandeep Sharma, DY.G.C.

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

09/02/2026

1. The instant writ petition has been filed with the following prayer:-

"(i) To issue an appropriate writ/order/direction quashing and setting aside the order dated 18.6.2014 in part whereby salary and wages for the period between 14.6.2006 and 31.7.2010 have been denied and further direct the respondents to make the payment of wages of the aforesaid period with interest @ 18% p.a.

(ii) any other writ/order/direction which this court deems fit & proper in the facts & circumstances of the case may also be passed in favour of the petitioner.

(iii) award cost of the petition."

2. The petitioner challenged his compulsory retirement order before the departmental appellate authority, and vide order dated 18.08.2014, the appellate authority quashed and set aside the compulsory retirement and denied the wages for the intervening period as the petitioner did not discharge any work during the said period.



3. It is contended by learned counsel for the petitioner that the petitioner's wages and salary were denied for the period between 14.06.2006 and 31.07.2010 without any ground. It is also contended that the Hon'ble Supreme Court in the case of **Shobha Ram Raturi Vs. Haryana Vidyut Prasaran Nigam Limited and**

Ors., 2016 (16) SCC 663, at para 3 and 4 observed as under:-

"3. Having given our thoughtful consideration to the controversy, we are satisfied that, after the impugned order of retirement dated 31-12-2002 was set aside, the appellant was entitled to all consequential benefits. The fault lies with the respondents in not having utilised the services of the appellant for the period from 1-1-2003 to 31-12-2005. Had the appellant been allowed to continue in service, he would have readily discharged his duties. Having restrained him from rendering his services with effect from 1-1-2003 to 31-12-2005, the respondent cannot be allowed to press the self-serving plea of denying him wages for the period in question, on the plea of the principle of "no work pay".

4. For the reasons recorded hereinabove, we are satisfied that the impugned order passed by the High Court, to the limited extent of denying wages to the appellant, for the period from 1-1-2003 to 31-1-2005, deserves to be set aside. The same is accordingly hereby set aside."

4. Learned counsel for the respondents submits that the petitioner in the intervening period from 14.06.2006 to 31.07.2010 did not perform any duty, and the appellate authority, after due consideration, rightly declined the salary and wages. The petition, being devoid of any merits, is liable to be dismissed.

5. Heard and perused the material available on the record.

6. The petitioner was compulsorily retired vide order dated 14.06.2006, and thereafter he challenged the order by way of filing a departmental appeal and vide order dated 18.08.2014, the order of compulsory retirement was quashed.

The appellate authority observed that there was no material to direct the petitioner to retire from the services compulsorily, as there was no adversity in the service record of the appellant in the





five years preceding the date of compulsory retirement; instead, adverse remarks or material were from the year before 1994. The appellant was given promotion and selection scale from time to time. In the background aforesaid, the appellant cannot be said to be dead wood to retire him compulsorily. In fact, adverse remarks were never conveyed to the appellant. Even if those are taken into consideration, they are from 1985-86 and 1990-91, almost 15 years before the date of compulsory retirement.

7. The Hon'ble Apex Court in the matter of **Shobha Ram Raturi (supra)** observed that the fault lies with the respondent in not having utilised the services of the appellant for the period for which he was kept out of service. If the appellant had been allowed to continue in service, he would have discharged his duty. The aforesaid analogy is equally applicable in the present case, as the compulsory retirement was found to be without any cogent grounds. Furthermore, the appellate authority, after objectively analysing the petitioner's past service record, specifically observed that the adverse remarks for the years 1985-86 and 1990-91 were never conveyed to the petitioner. The appellate authority also observed that apart from the specific adverse report, there is nothing in the service record of the appellant, preceding 5 years from the date of compulsory retirement, which marked him as dead wood.

8. Thus, the facts of the case clearly show that the petitioner was compulsorily retired based on his past service; however, the appellate authority did not find that he performed so poorly as to warrant his compulsory retirement.





9. Therefore, in the light of the judgment passed in the matter of **Shobha Ram Raturi (supra)**, the petitioner is entitled to salary and other allowances payable to him for the time period of 14.06.2006 up to 31.07.2010.

10. Accordingly, respondents are directed to pay the salary and wages for the aforesaid period to the petitioner, within a time period of three months.

11. With the aforesaid direction, the instant writ petition stands disposed of.

12. All pending application(s), if any, also stand disposed of.

(PRAVEER BHATNAGAR),J

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