



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

S.B. Civil Writ Petition No. 10739/2026
CNR: RJHC010474282026 | URN: CW / 19587U / 2026

Arjun Singh Charan S/o Shri Badridan Ji Charan, Aged About 60
Years, Resident Of 31 Meera Nagar, Jhalamand Circle, Jodhpur,
Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department
Of Cooperative, Government Of Rajasthan, Jaipur.
2. The Registrar, Government Of Rajasthan, Jaipur.
3. The Joint Registrar, Cooperative Societies, Government Of
Rajasthan, Jaipur.
4. The Additional Registrar (Appeals), Cooperative Societies,
Jodhpur.
5. The Joint Registrar, Cooperative Societies, Jodhpur.
6. The Director, Pension, Directorate Of Pension And
Pensioners Welfare, Government Of Rajasthan, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Awar Dan Ujjwal
For Respondent(s) : Mr. I.R. Choudhary, AAG
Mr. Vikram Choudhary

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

03/10/2026

1. By way of filing the present writ petition, the petitioner has
prayed for the following reliefs:

"It is, therefore, most respectfully prayed that this Hon'ble
Court may be pleased to:
A. allow the present writ petition and direct the Respondents to
release forthwith the pension and all retiral benefits of the
Petitioner;
B. direct the Respondents to release arrears of pension along
with interest for the period of delay;
C. declare the action of the Respondents in withholding pension
despite stay orders as illegal and arbitrary;



D. pass any other appropriate order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the present case."

2. Having heard learned counsel for the parties at the Bar and perused the material available on record.

3. This Court finds that the petitioner, who was holding the post of Additional Administrative Officer in the Department of Cooperative, stood retired from service with effect from 31.12.2025 upon attaining the age of superannuation. As per the petitioner, on the date of his retirement, i.e. 31.12.2025, a chargesheet under Rule 16 of the Rajasthan Civil Services (CCA) Rules, 1958, came to be served upon him. The petitioner challenged the validity and correctness of the chargesheet dated 31.12.2025 by filing S.B. CWP No.1115/2026, titled Arjun Singh Charan v. The State of Rajasthan & Ors., before this Court. This Court, vide order dated 20.01.2026, stayed the chargesheet dated 31.12.2025 issued against the petitioner. Subsequently, vide order dated 07.04.2026, the respondents, without affording any opportunity of hearing to the petitioner, issued an order of recovery against him. The said order was also challenged by the petitioner before this Court by filing S.B. CWP No.8538/2026, titled Arjun Singh Charan v. The State of Rajasthan & Ors. This Court, vide order dated 21.04.2026, while issuing notice to the respondents, restrained them from making any recovery from the petitioner pursuant to the order dated 07.04.2026.

4. It is the case of the petitioner that, in terms of Rule 90 of the Rajasthan Civil Services (Pension) Rules, 1996 and the notification dated 12.10.2021 issued by the Government of Rajasthan, Department of Finance, a retired Government employee against





whom departmental or judicial proceedings are pending is entitled to provisional pension and 50% of the gratuity amount. However, in the present case, the respondents have neither released provisional pension nor extended the benefit of 50% of the gratuity amount in favour of the petitioner. It is, thus, prayed that the respondents may be directed to release provisional pension and 50% of the gratuity amount in favour of the petitioner during the pendency of the departmental proceedings initiated against him vide chargesheet dated 31.12.2025. As per the respondents, it is not in dispute before this Court that departmental proceedings are pending against the petitioner and, therefore, he is not entitled to the benefit of pension and gratuity till completion of the departmental proceedings against him. Further, according to the respondents, the petitioner has not even submitted all the requisite documents for release of provisional pension and gratuity in his favour and, therefore, unless the requisite documents are submitted by the petitioner, no direction can be issued by this Court for release of provisional pension and 50% of the gratuity amount.

5. This Court also finds that there is no quarrel with the proposition that a retired Government employee against whom departmental or judicial proceedings are pending is entitled to provisional pension and 50% of the gratuity in terms of Rule 90 of the Rajasthan Civil Services (Pension) Rules, 1996 and the notification dated 12.10.2021 issued by the Pension Department. Thus, merely because departmental proceedings are pending against the petitioner, and the writ petition filed by him





challenging the chargesheet is pending adjudication before this Court, the petitioner cannot be denied or deprived of provisional pension and 50% of the gratuity.

6. In that view of the matter, the present writ petition deserves acceptance and is accordingly allowed.

7. The petitioner is directed to immediately submit all necessary documents for release of provisional pension and 50% of the gratuity in his favour in terms of Rule 90 of the Rajasthan Civil Services (Pension) Rules, 1996 and the notification/circular dated 12.10.2021 issued by the Pension Department, if not already submitted. If the petitioner submits the requisite documents, the respondents are directed to release provisional pension and 50% of the gratuity amount in his favour. The entire exercise shall be completed by the respondents within a period of 60 days from today.

(KULDEEP MATHUR),J

29/Himanshu Singh