RAJASTHAN HIGH COURT
सत्यमेव जयते

# HIGH COURT OF JUDICATURE FOR RAJASTHAN
# AT JODHPUR

S.B. Civil Writ Petition No. 7112/2015
CNR: RJHC010422372015 | URN: CW / 16249U / 2015

Rajasthan High Court
सत्यमेव जयते
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Pyare Lal S/o Shri Chiranji Lal, aged about 62 years, B/c Dhanak, R/s House No.50, N Block, Raisinghnagar (Raj.)

----Petitioner

Versus

1. State of Rajasthan through the Secretary Department of Local Self, Secretariat, Rajasthan, Jaipur
2. The Municipal Board, Sri Karanpur (District Sri Ganganagar) through its Executive Engineer
3. The Joint Director, Pension & Pensioners Welfare Department, Govt. of Rajasthan, Bikaner

----Respondents

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For Petitioner(s) : Mr. Gopi Ram Goyal
For Respondent(s) : Mr. Mahaveer Prasad Pareek

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**HON'BLE MR. JUSTICE GANESH RAM MEENA**

**Order**

**04/11/2026**

1. The present writ petition has been filed by the petitioner with the following prayers-

> *"(i) The respondents may kindly be directed to consider the case of the petitioner for regularization as per order Annex.P/10 and amendment Annex.P/11 and to pass order of regularization with pensionary benefits.*
> *(ii) That respondents may kindly be further to directed consider the case of the petitioner for granting the retiral benefits including pension by considering his earlier service and to pay the same with interest @ 9% per annum.*
> *(iii) The respondents may kindly be further directed to pay the arrears which is due as per order Annex.P/5 dated 16.11.2011 with interest @ 9% per annum.*
> *(iv) Any other appropriate writ, order or direction which this Hon'ble Court deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioners.*

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*(v) Writ Petition filed by the petitioners may kindly be allowed with cost."*

2. Learned counsel appearing for the petitioner submits that the respondents made certain amendments in the Rajasthan Municipalities (Class-IV) Employees Rules, 1964 which were named as Rajasthan Municipalities (Class-IV Service) (Amendment) Rules, 2011. By the said amendment rules, they made an amendment in Rule 10 whereby it has been provided that the persons irregularly appointed on duly sanctioned post and have completed 10 years of service on 10.04.2006 without intervention of any Court and are continuously working as such on the date of commencement of these amendment Rules, shall be screened by a committee for regularization of their services. He submits that the respondents have not considered the case of the petitioner for regularization though the petitioner was working for the respondents since 01.02.1986. He also submits that at one point of time, the petitioner was terminated from the services of the respondents but vide award dated 03.11.1999 passed by the learned Labour Court, Sri Ganganagar in case No. 209/98 (72/96) wherein the Labour Court has held the termination as illegal and unjustified and further held that his services be treated as continued.

3. Mr. Mahaveer Prasad Pareek, learned counsel appears on behalf of the respondent No.3 i.e. Pension and Pensioners Welfare Department and submits that since the petitioner's service was not regularized by the administrative department, he cannot claim the pensionary benefits.

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4. No one is present on behalf of respondent No.1 i.e. Department of Local Self and the respondent No.2 i.e. the Municipal Board, Sri Karanpur.

5. Upon consideration of the submissions made by the counsel for the petitioner and the facts on record, it is revealed that the petitioner was initially engaged on duly sanctioned post with the respondent No.2 on 01.02.1986. The petitioner was terminated from service on 05.06.1988 and the said termination order was assailed by filing a statement of claim under the provisions of the Industrial Disputes Act, 1947 before the learned Labour Court, Sri Ganganagar in case No. 209/1998. The Labour Court after considering the evidence adduced by the parties, vide its award dated 03.11.1999, held the termination of the petitioner as illegal and unjustified and further held that the petitioner is entitled for reinstatement back in service with continuity. He was also held to be entitled for 50% back wages for the intervening period. The award passed by the Labour Court was put to challenge by the respondent-Municipal Board, Sri Karanpur by filing writ petition being S.B. Civil Writ Petition No. 1276/2000 which was disposed of vide order dated 11.02.2014 and the award of the Labour Court to the extent of holding the termination illegal and unjustified was upheld, however, the High Court directed lump sum amount of Rs.25,000/- to be paid in lieu of the back wages for the intervening period.

6. The respondents in their reply to the writ petition have stated that the services of the petitioner were not regularized as the petitioner had not completed 10 years of continued service without intervention of the Court’s order. The respondents have

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claimed that since the petitioner was continued in service in view of the award passed by the Labour Court, therefore, the petitioner continued in service with the intervention of the Court.

7. Merely because the termination of the petitioner has been set aside by the Labour Court and he has been ordered to be continued in service, it does not mean that the continuation of the petitioner in service was with the intervention of the Court's order. The intervention of court's order means that if a person is continued in service by an interim order of the Court. If a person continues in service after final adjudication of any dispute before the Court, does not mean that it was by the intervention of the Court.

8. Hence, in the opinion of this Court, the plea of the respondents for not considering the case of the petitioner for regularization of services on the ground that the petitioner has not completed 10 years of continuous service, is wholly illegal and arbitrary because the petitioner was initially engaged on 01.02.1986 and when he was terminated, he was reinstated in service with continuity under the award of the Labour Court. Any order for continuation of service by the Labour Court does not mean that it was any kind of break in service.

9. In view of the discussion made above, this Court finds merit in this petition as regards the consideration of the case of the petitioner for regularization of his services in view of the amendment Rules, 2011.

10. Accordingly, the writ petition is partly allowed. The respondents are directed to consider the case of the petitioner for regularization of his services in terms of the amended provisions

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of Rajasthan Municipalities (Class IV Service) (Amendment) Rules, 2011, treating him to be in continuous service of more than 10 years if he fulfills other required criteria. This exercise be completed by the respondents within a period of 90 days from the date of submitting the certified copy of this order.

11. After consideration of the petitioner's case, if the respondents regularize the services of the petitioner, then his case may be considered for the retiral benefits, in accordance with law.

(GANESH RAM MEENA),J

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