



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

S.B.Civil Writ Petition No.972/2017

Charan Singh Sharma S/o Shri Lal Chand Sharma, aged about 60
Years, R/o K-13, Near Sitla Mata Mandir Road, Kaga, Jodhpur,
District-Jodhpur, Rajasthan

-----Petitioner

Versus

1. Rajasthan State Road Transport Corporation,, Head Office,
Parivahan Marg, Chomu House, Jaipur (Rajasthan) Through
Its Secretary.
2. Secretary, Rajasthan State Road Transport Corporation, Head
Office, Parivahan Marg, Chomu House, Jaipur, Rajasthan.
3. Zonal Manager, Rajasthan State Road Transport Corporation,
Jodhpur Zone, Jodhpur.
4. Chief Manager, Rajasthan State Road Transport Corporation,
Jodhpur Depot, Jodhpur, Rajasthan

-----Respondents

For Petitioner(s) : Mr.Kailash Jangid, Advocate

HON'BLE MS. JUSTICE NIRMALJIT KAUR

Order

01/02/2017

Learned counsel for the petitioner contends that the respondents have rejected his representation vide order dated 03.11.2016 (Annexure-14) without dealing with his contentions.

The earlier Writ Petition No.9311/2016 filed by the petitioner was disposed of vide order dated 17.08.2016 with liberty to the petitioner to move an appropriate representation seeking his retiral dues, which have not been paid to him in spite of the fact that he had already retired from service. In pursuance to the said



order, a representation was filed by the petitioner vide Annexure-13 dated 23.08.2016. The same was rejected by order dated 03.11.2016. Hence, the present writ petition has been filed on the ground that the respondents have not considered his case for grant of pensionary benefits and have simply rejected his representation on the ground that appeal against the order of punishment has been rejected.

No fault can be found with the order dated 03.11.2016 dismissing the representation of the petitioner as a perusal of the said representation shows that not a word has been mentioned with respect to the non-payment of his retiral dues. In fact, the only grievance is that his departmental appeal has not been considered, whereas, it is evident that the appeal has long been dismissed vide order dated 01.09.2015 and the earlier Writ Petition No.9311/2016 with identical prayer was disposed of with liberty to file representation only with respect to the non-payment of the retiral dues.

Taking into consideration that the respective prayer for grant of retiral benefits have not been raised in the representation, learned counsel for the petitioner states that he may be allowed to withdraw the present writ petition and granted another opportunity to file a fresh representation seeking the said relief.

In view of the same, the petitioner is allowed to withdraw the present writ petition with liberty to file a fresh representation seeking the relief of retiral benefits. In case, the said representation is filed within three weeks, the respondents shall consider the same and pass appropriate orders in accordance with



law. In case, the petitioner is entitled for retiral benefits, the same shall be paid to him immediately, otherwise a speaking order shall be passed to enable the petitioner to challenge the same afresh.

Disposed of accordingly.

(NIRMALJIT KAUR)J.

NK/60



RAJASTHAN HIGH COURT



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