



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

S.B. Civil Writ Petition No. 11063/2017

Ashwani Kumar Son Of Shri Dhan Singh, Resident Of Peela Bungalow, Near Hem Singhji Ka Katla, Mahamandir, Jodhpur, Last Employed On The Post Of Dy Sp Leave Reserve Ig P Range At Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan through Secretary to Govt. Of Rajasthan, Home Department, Jaipur.
2. Director General Police Personnel, Rajasthan, Jaipur.
3. The Joint Secretary Administration, Police Deptt. of Home Group-I, Govt. of Rajasthan, Jaipur.
4. Rajasthan Civil Appellate Tribunal, Rajasthan, Jaipur, Through Its Registrar.

-----Respondents

For Petitioner(s)	:	Mr. J.K. Kaushik
For Respondent(s)	:	Mr. Anil Kumar Bissa

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Order

12/09/2019

This writ petition has been filed by the petitioner Ashwani Kumar on 21.08.2017, inter alia, for a direction to the respondents to implement the judgment of the Rajasthan Civil Services Appellate Tribunal, Circuit Bench, Jodhpur, dated 05.05.2015 in Appeal No.36/2014 as also consequential benefits. The Tribunal, by the aforesaid judgment, directed the respondents to convene review Departmental Promotion Committee meeting for considering the case of the writ petitioner for promotion in senior pay scale of the Rajasthan Police Service against the



vacancies of the year 2013-14 within three months and if he is found suitable for promotion, he be promoted from the date his immediate junior Mr. Parasmal Jain (respondent No.4 before the Tribunal) was promoted and he be paid all consequential benefits given to said Mr. Parasmal Jain. Since the petitioner has already retired from service, therefore the Tribunal directed the respondents to redetermine his pension and other retiral benefits owing to his promotion.

Learned counsel for the respondents has produced a photo copy of the order dated 15.05.2018 for perusal of the Court and submitted that the respondents vide order dated 15.05.2018, promoted the petitioner in the senior pay scale of the Rajasthan Police Service against the vacancy of the year 2013-14 and fixed his seniority above Shri Arjun Singh (General) and below Shri Parasmal Jain (General), but so far consequential benefits have not been granted to him.

Having regard to the limited prayer made by the petitioner, the writ petition is disposed of with a direction to the respondents to calculate the arrears of salary payable to the petitioner owing to his promotion in the senior pay scale of the Rajasthan Police Service against the vacancy of the year 2013-14, as the Tribunal itself directed the respondents to pay him the consequential benefits. The respondents are directed to grant all consequential benefits, namely, arrears of salary after fixation in senior pay scale against the vacancy of the year 2013-14 at par Shri Parasmal Jain, his immediate junior and accordingly recompute his pensionary benefits, viz., gratuity, commutation and leave encashment etc. The petitioner shall also be entitled to interest at the rate of 9% per annum as per Rule 89 of the



Rajasthan Civil Services (Pension) Rules, 1996, at least from the date of the judgment of the Tribunal.

Compliance may be filed within a period of three months.

(MOHAMMAD RAFIQ),J

Ravi Kh./174



RAJASTHAN HIGH COURT



सत्यमेव जयते