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**In the High Court of Judicature for Rajasthan
Jaipur Bench**

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Civil Writ Petition No.2720/2000
Hajarilal Meena ***Versus*** State & Ors

Date of Order :: 31/03/08

Hon'ble Mr. Justice Ajay Rastogi

Mr. Manoj K. Choudhary, for petitioner
Mr. Vijay Dutt, Dy.Govt. Adv.

Instant petition has been filed assailing pre-mature retirement passed in exercised of Rule 53(1) of Rajasthan Civil Services (Pension) Rules, 1996 vide order dt. 15/05/2000 (Ann.2). After notice was issued by this Court on 13/06/2000, respondents have filed reply raising preliminary objection that order impugned is appealable under Rajasthan Civil Services Appellate Tribunal Act, 1976 ("**Rules, 1976**") and on account of availability of efficacious remedy of appeal, instant petition deserves to be dismissed.

Counsel submits that instant petition was preferred immediately after passing of the order impugned and period of limitation by now has expired because of pendency of instant petition, causing prejudice and depriving him of legitimate right of fair consideration of grievance raised in instant petition.

In view of efficacious remedy of

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appeal available to petitioner, this Court is not inclined to entertain instant petition.

Consequently, writ petition is hereby dismissed alongwith stay petition. However, in case appeal is preferred by petitioner within sixty days from today, it shall be treated within limitation and the Tribunal is directed to decide the appeal on merits.

No order as to costs.

(Ajay Rastogi), J.