

*IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR  
BENCH, JAIPUR*

**S.B. Civil Writ Petition No. 1865/2011**  
*(Mahesh Bairagi Vs. State of Rajasthan & Ors.)*

*Date of Order :: 20<sup>th</sup> December, 2013*

**HONBLE MR. JUSTICE M.N. BHANDARI**

*Mr. Kailash Chandra Sharma, for the petitioner.*

*Mr. Jinesh Jain, Government Counsel.*

*Mr. Hemant Tailor for Mr. R. Surana, for the respondent No. 3.*

**By the Court:**

*The petitioner is aggrieved by denial of benefit of gratuity, though period of more than four years has already passed after retirement. The petitioner earlier preferred a writ petition for the same cause, however, it was disposed of with the direction to the petitioner to make a representation. The representation of the petitioner was rejected by the respondent/s on the ground that due to wrong fixation in the year 1981, excess amount was paid by them. The audit report for the aforesaid was given in the year 1986-87.*

*I find that respondent/s have not taken action in the matter till petitioner remained in service. He retired in the year 1999. The report is of year 1986-87. They did not care to seek recovery of amount, if any amount was paid in excess. The excess amount was not paid due to his misrepresentation or default and otherwise, recovery is not permissible after retirement.*

*In view of above, the impugned order rejecting the representation of the petitioner is set aside. The respondents are directed to pay the amount of gratuity within*

*a period of three months from the date of receipt of copy of this order with the interest @  
of 6 per cent per annum.*

*With the aforesaid direction/s, the writ petition is disposed of.*

*(M.N. BHANDARI), J.*

*Item No.5  
preety, Jr.P.A.*

*All corrections made in the judgment/order have been incorporated in the  
judgment/order being emailed.*

*Preety Asopa  
Jr.P.A.*