



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4684/2024

Dr Om Prakash Gaur S/o Shri Salig Ram Gaur, Aged About 67 Years, R/o 57, Gayatri Nagar Extension, Shipra Path, Man Sarovar, Jaipur, Rajasthan. Retired On 30.06.2018 From The Post Of Principal Specialist (Pediatrics) At Government B.d.m. Hospital, Kotputli District Kotputli Behror Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Additional Chief Secretary, Medical Health And Family Welfare Department, Government Secretariat, Jaipur.
2. Director (Public Health), Medical And Health Services, Rajasthan, Jaipur.
3. Principal Medical Officer, Government B.d.m. Hospital, Kotputli District Kotputli Behror Rajasthan.
4. Director, Pension Department, Jyoti Nagar, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Vijay Pathak

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

28/03/2024

1. Learned counsel for the petitioner submits that the controversy involved in the present case is squarely covered by the Division Bench judgment in the case of ***Ramesh Chander Gupta Vs. State of Rajasthan and Ors. (D.B. Civil Writ Petition No. 2800/2021)*** and other connected matters, ***decided on 17.10.2023.***
2. In these circumstances, learned counsel for the petitioner seeks liberty to approach respondent/s by way of filing representation for redressal of his grievances in the light of

judgment rendered by this court in the case of **Ramesh Chander Gupta (supra)**.

3. In the case of **Ramesh Chander Gupta (supra)**, Division Bench of this Court *inter-alia* while referring to orders passed in **Union of India & Ors. Vs. Manohar Lal & Ors.: D.B. Civil Writ Petition No. 5445/2022**, decided on **07.08.2023** & the **Commissioner, Kendriya Vidyalaya Sangathan & Anr. Vs. Ram Karan Bhakar & Ors.: D.B. Civil Writ Petition No. 4139/2022** decided on 25.07.2023 as well as judgment of **Hon'ble Supreme Court in the case of Director (Admn. & HR) KPTCL & Ors. Vs. C.P. Mundinamani & Ors.: 2023 SCC online SC 401** has passed the following directions:-

"It is also brought to the notice of this Court that Special Leave Petition (C) No. 3420/2023 and Special Leave Petition (C) No. 1011/2023 have also been disposed off on 19.05.2023. A copy of the orders dated 11.04.2023 and 19.05.2023 passed by Hon'ble Supreme Court have also been placed on record. Therefore, the present petitions are also disposed off on the same terms with direction to the respondents to consider the claim of the petitioners and pass appropriate orders and other consequential benefits as per their entitlement. Whatever amount is found payable be also released within a period of one month. Accordingly, the present petitions are disposed of."

4. Ordered accordingly.

5. In the event of filing a representation by the petitioner, the respondent/s shall consider the claim of the petitioner and pass an appropriate order within two months from the date of receipt of representation with certified copy of this order and that too in accordance with law and the observations made in the case of

Ramesh Chander Gupta (supra), read with order dated 11.04.2023 in SLP(C) No. 3420/2023 and order dated 19.05.2023 in SLP(C) No. 1011/2023 passed by Hon'ble Apex Court, as has been referred in the case of C.P. Mundinamani & Ors. (supra).

6. The present writ petition stands disposed of.

7. The order has been passed based on the submissions made by the learned counsel for the petitioner and the averments made in the writ petition. The respondent/s would be at liberty to examine the veracity of the submissions made in the writ petition in the light of the observations made by the Division Bench of this court in the case of ***Ramesh Chander Gupta (supra)***, and only in case the averments made therein are found to be correct, the petitioner be extended the relief as prayed with consequential benefits as ordered in the case of ***Ramesh Chander Gupta (supra), read with order dated 11.04.2023 in SLP(C) No. 3420/2023 and order dated 19.05.2023 in SLP(C) No. 1011/2023 passed by Hon'ble Apex Court***, as has been referred in the case of ***C.P. Mundinamani & Ors. (supra)***.

8. Since the main petition has been disposed of, the stay application as well as pending application/s, if any, also stand disposed of.

(GANESH RAM MEENA),J