

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 9498/2024

Ramkishan Tiwari S/o Radheshyam Tiwari, Aged About 71 Years,
R/o A-189-B, Indera Verma Colony, Shastri Nagar, Jaipur (Raj.)

----Petitioner

Versus

1. Jaipur Vidyut Vitran Nigam Limited, Through Its Managing Director, Vidyut Bhawan, Jyoti Nagar, Jaipur, Rajasthan.
2. Superintending Engineer, Jaipur City Circle (J.c.c.) Jaipur Vidyut Vitran Nigam Limited, Ram Mandir Road, Near Railway Station, Jaipur (Raj.)
3. Accounts Officer (Pension), Jaipur Vidyut Vitran Nigam Limited, Jaipur (Raj.)
4. Assistant Engineer (A-Iii), Jaipur City Circle (J.c.c.), Jaipur Vidyut Vitran Nigam Limited, Shastri Nagar, Jaipur (Raj.)

----Respondents

For Petitioner(s) : Mr. Sudhir Yadav

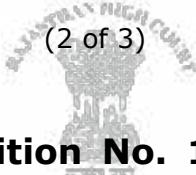
For Respondent(s) : Mr. S.S. Naruka, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

31/05/2024

1. Learned counsel for the petitioner submits that the issue involved in the present matter is no more *res integra* in view of judgment of Division Bench of this Court in the case of **Ramesh Chander Gupta vs. State of Rajasthan & Ors. (D.B. Civil Writ Petition No. 2800/2021; decided on 17.10.2023)**. It is further submitted that in similar facts and circumstances, the order of the Division Bench has also been followed by Co-ordinate Bench in the case of **Ramesh Chand vs. State of Rajasthan &**


Ors. (S.B. Civil Writ Petition No. 19121/2023; decided on 07.12.2023).

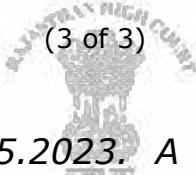
2. Learned counsel for the respondents does not dispute the fact that the issue, as raised in the present writ petition, is similar to **Ramesh Chander Gupta (supra)**. However, it is contended that the petitioner has approached the Court at a belated stage.

3. Heard.

4. The fact that the issue involved is covered by Division Bench of this Court in case of **Ramesh Chander Gupta (supra)** remains undisputed. The contention that the petitioner has approached the Court with a little delay is of no relevancy in the facts and circumstances as matters of salary and pension have a recurring cause of action, as was held by the Hon'ble Supreme Court in **Rushibhai Jagdishbhai Pathak vs. Bhavnagar Municipal Corporation: 2022 (4) SLR 862 (SC)**.

5. 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)** as well as judgment of Hon'ble Supreme Court in the case of **The Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors.: 2023 SCC OnlineSC 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.1001/2023 have also been dis-



posed off on 19.05.2023. A copy of 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."

6. In light of the subsequent developments and the change in legal position, the petitioner shall be at liberty to file a detailed representation before the concerned authority within a period of 10 days, which shall be adjudicated upon by the said authority within a further period of 60 days, after having effectuated compliance with the principles of natural justice and also, the law applicable.

7. In light of the aforesaid, the instant petition is disposed of. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J

DEEPAK/s-558