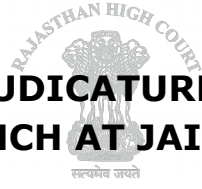




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 6210/2026

Dr. Ram Gopal Sharma S/o Dhanna Lal Sharma, Aged About 66
Years, R/o Mangyawas, Govt. School Ke Samne, Mansarovar,
Jaipur 302020

-----Petitioner

Versus

1. State Of Rajasthan, Through, Principle Secretary, Finance Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Principal Secretary, Ayush Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director, Directorate Of Ayurved, Department Of Ayurved And Bhartuya Chikitsa, Government Of Rajasthan, Ajmer
4. The Director Pension Department, Rajasthan Government, Jyoti Nagar Jaipur

-----Respondents

Connected With

S.B. Civil Writ Petition No. 6211/2026

Dr. Rama Shankar Pareek S/o Badri Narayan Pareek, Aged About
67 Years, R/o Ward No. 9, Hospital Road, Chaksu, Jaipur,
Rajasthan- 303901

-----Petitioner

Versus

1. State Of Rajasthan, Through, Principle Secretary, Finance Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Principal Secretary, Ayush Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director, Directorate Of Ayurved, Department Of Ayurved And Bhartuya Chikitsa, Government Of Rajasthan, Ajmer
4. The Director Pension Department, Government Of Rajasthan, Jyoti Nagar Jaipur

-----Respondents





For Petitioner(s) : Mr. Bhuvnesh Tiwari
For Respondent(s) : Mr. Bhuvnesh Sharma, AAG with
Mr. Vishnu Dutt Sharma

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

28/04/2026

1. The petitioner has challenged the impugned order dated 24.03.2026 passed by the respondent whereby the concerned Officer, who issued the impugned order, in which he directed all the Officers of the concerned Districts to initiate the recovery of pension benefits and get the amount deposited in the State Exchequer, which reads as under:-

उपरोक्त विषयान्तर्गत लेख है कि आप द्वारा निम्नांकित सूची में अंकित चिकित्साधिकारियों को ऑफलाईन एवं IFMS 3.0 ऑटो फॉरवर्ड के माध्यम से वित्तीय नियमों/ प्रावधानों की घोर अवहेलना करते हुये प्रोविजनल पेंशन के स्थान पर नियमित पेंशन स्वीकृत करवाई गई है।

अतः आपको निर्देशित किया जाता है कि 02 दिवस के भीतर संलग्न सूची में अंकित चिकित्साधिकारियों के पेंशन प्रकरण के संबंध में संबंधित क्षेत्रीय पेंशन कार्यालय से व्यक्तिशः सम्पर्क कर स्वीकृत की गई नियमित पेंशन बन्द करवाते हुये नियमानुसार प्रोविजनल पेंशन स्वीकृति की कार्यवाही आरम्भ करावें, साथ ही उपरोक्त चिकित्साधिकारियों को किये गये अधिक भुगतान की गणना कर प्राप्त अधिक राशि राजकोष में जमा करवाने हेतु संबंधित चिकित्साधिकारियों को तत्काल 02 दिवस में नोटिस जारी करावें।

प्रकरण में की गई कार्यवाही से तत्काल इस कार्यालय को अवगत कराया जाना सुनिश्चित करें।

2. Learned counsel for the petitioner submits that the petitioner initially filed the writ petition which was allowed by the Co-ordinate Bench of this Court vide order dated 17.04.2023. Thereafter, the Department filed Special Appeal before the Hon'ble Division Bench which came to be dismissed.

3. Learned counsel further submits that in an identical matter, the respondent-Department filed Special Leave Petition



No.6428/2026 dated 16.02.2026 before the Hon'ble Apex Court in which the following order was passed:-

"Issue notice to the respondent returnable on 11.05.2026.

In case any amount has already been paid to the respondent, the same shall not be recovered during pendency of the petition.

The High Court is requested to adjourn the hearing in the contempt petition filed by the respondent to a date after the date fixed in the present petition."

4. Learned counsel submits that no appeal was preferred against the order by which the writ petition in the previous round of litigation was allowed. Despite the above facts, the concerned Officer issued the impugned order dated 24.03.2026 for stoppage of regular pension and for recovery of the excess amount paid. On one hand the order attained finality and further, in the identical matter the Hon'ble Apex Court restrained the respondents from initiating any recovery, however, on the other hand despite the order of the Hon'ble Apex Court, the impugned recovery order was issued on 24.03.2026. Being aggrieved by the same, the petitioner has approached this Court by filing the present writ petition.

5. This Court finds that the action of the respondent-Officer is serious and contemptuous, who appeared before this Court and tried to justify his conduct which is highly unsatisfactory and unjustified as noted from the facts of the case.

6. The respondents have filed an affidavit before this Court on 18.04.2026, however, after going through the said affidavit this Court finds that there was no reason for the said Officer to initiate the recovery by issuing the impugned order dated 24.03.2026.





7. Now the said document/order has been withdrawn by order dated 13.04.2026 which reads as under:-

उपरोक्त विषयान्तर्गत निदेशालय के सन्दर्भित पत्र राजकाज क्रमांक 21229678 दिनांक 24.03.2026 को तत्काल प्रभाव से प्रत्याहरित (Withdraw) किया जाता है।

8. Learned counsel Mr. Bhunesh Sharma, AAG submits that the action of the Officer is not fair and as per law more so when writ petition was allowed and **in the identical case the Hon'ble Apex Court has already passed the order, restraining the Department from making any recovery.**

9. In view of the above, after withdrawal of the order dated 24.03.2026 vide order dated 13.04.2026, the grievance of the petitioner survives no more. However, the fact of issuance of the order dated 24.03.2026 by the Officer namely, Dr. Anand Kumar Sharma, who was the Director of the respondent-Department is not only illegal but contemptuous. Despite passing of the order by the Hon'ble Supreme Court, and being fully aware of the fact that the writ petition in the previous round was allowed and the Special Appeal of the respondents was dismissed and order was not challenged further, in these circumstances such an act of the Officer cannot be taken lightly as it shows that he has no respect for the order of the Court. Despite the adjudication of the issue, the concerned Officer treated himself to be above law and issued the impugned order as discussed above.

10. This Court further deems it appropriate to record that once the Department has challenged the issue before the Hon'ble Apex Court and even the Apex Court restrained them from making any recovery, then their action of issuing the order dated 24.03.2026 is also in contempt of the order dated 16.02.2026 passed by the





Hon'ble Apex Court, as the matter is subjudice before the Hon'ble Apex Court. Therefore, this Court is not initiating any contempt proceedings.

11. Learned counsel AAG, also requested this Court not to initiate contempt proceedings, however, admitted that the act of the said officer is serious. In view of the above, after withdrawal of the order dated 24.03.2026, writ petition deserves to be disposed of with the cost of Rs. 50,000/- to be recovered from the salary of the said Officer, namely, Dr. Anand Kumar Sharma, which shall be deposited with the Bar Association for the welfare of Advocates.

12. The said Officer shall file a copy of receipt of deposit of cost within a period of twenty days.

13. List these matters on 20.05.2026 showing compliance with this order.

(RAVI CHIRANIA),J

RINCHU /3-4

