



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4532/2026

Shri Shanti Lal Dholi S/o Late Shri Shankar Lal Dholi, Aged
About 63 Years, Resident Of Village Mangalwad, Tehsil Dungla,
District Chittorgarh, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Revenue, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director, Pension And Pensioners Welfare Department, Government Of Rajasthan, Jaipur, Rajasthan.
3. The District Collector (Land Records), Pratapgarh, District Pratapgarh.
4. The District Collector (Land Records), Pratapgarh, District Pratapgarh, Rajasthan.
5. The Tehsildar (Land Records), Dhariyawad, District Pratapgarh, Rajasthan.
6. The Tehsildar (Land Records), Pratapgarh, District Pratapgarh, Rajasthan.
7. The Tehsildar (Land Records), Kapsan, District Chittorgarh, Rajasthan.
8. The Tehsildar (Land Records), Rashmi, District Chittorgarh, Rajasthan.
9. The Tehsildar (Land Records), Peepal Khoont, District Pratapgarh, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Rohin Bhansali
Ms. Anushka Jain

For Respondent(s) : Mr. Sanjay Raj Paliwal
Present in Person : Mr. Sandeep Kumar Jain, Tehsildar

HON'BLE MR. JUSTICE ARUN MONGA
Order(Oral)

Reportable
19/05/2026

1. Petitioner, a retired Patwari, is before this Court seeking directions for release of all service benefits, including retiral and pensionary benefits. The petitioner superannuated on 31.07.2023 after



approximately 40 years of unblemished service in the Revenue Department of Rajasthan. He was appointed in service on 04.07.1983.

2. The brief facts as pleaded are as follows.

2.1. The petitioner, born on 05.07.1963, was selected in the recruitment process of April 1982 and appointed as Patwari on a temporary basis by order dated 04.07.1983 of the District Collector (Land Records), Chittorgarh, pursuant to which he joined service on 08.07.1983 (Annexure-2).

2.2. His services were confirmed with effect from 08.07.1983 by order dated 09.04.1987, wherein his name appears at Serial No. 38 (joining report and confirmation order at Annexures-3 and 4). Over the course of his service he was posted in various Tehsils — including Dungla, Bhadesar, Arnod, Chhoti Sadri, Pratapgarh, Rashmi, Kapanan, Peepal Khoont and Dhariyawad, and rendered approximately 40 years of continuous, unblemished service, without any adverse entry or disciplinary proceeding.

2.3. It was the statutory obligation of the respondents to maintain and update the petitioner's Service Book, including entries relating to annual increments, pay fixation, selection grades and pay commission revisions.

2.4. As the petitioner neared retirement, however, his Service Book was forwarded on 01.12.2021 by the Tehsildar, Dhariyawad to the Tehsildar, Pratapgarh for updation, but was never returned after completion of the necessary entries. By reminder dated 05.05.2022 it was also conveyed that his annual increment due on 01.07.2022 could not be processed for want of the Service Book.

2.5. The petitioner persistently pursued the matter, submitting representations dated 27.01.2023 and 21.06.2023 seeking completion





of his service records and grant of selection grade and pay fixation benefits.

2.6. A report dated 31.01.2023 of the Tehsildar, Dhariyawad recorded that the Service Book had still not been received despite reminders, and instead of being finalized, it was further forwarded to another office by communication dated 02.05.2023, compounding the delay.

2.7. Eventually, the petitioner attained superannuation and retired on 31.07.2023.

2.8. Even thereafter, his pension case remained unfinalized i.e. no Pension Payment Order was issued, and pensionary benefits including gratuity, leave encashment and other admissible dues were withheld.

2.9. The petitioner then served a detailed notice-cum-representation dated 04.11.2024 seeking release of his pensionary and retiral benefits, including pay fixation and selection scale benefits.

2.10. Yet, as small mercy, by order dated 16.04.2025, he was sanctioned only provisional pension, with the pension and gratuity amounts reduced by 50% and the benefits of the 6th and 7th Pay Commissions withheld.

2.11. Pertinently, no departmental or disciplinary proceedings are or were pending against the petitioner, and his service record remained unblemished throughout. Despite his repeated representations, the respondents have failed to release his lawful retiral and pensionary benefits, causing him severe financial hardship in retirement.

3. Hence, this writ petition.

4. Learned counsel for the petitioner submits that the respondents acted arbitrarily in failing to finalize the petitioner's service book and withholding his lawful benefits. It is contended that pension is not a bounty but a vested right, deferred salary earned through decades of





service, and its denial infringes the petitioner's right to livelihood and dignity.

4.1. He would submit that Throughout his service, the petitioner's service book required periodic updation, covering annual increments, pay fixation, selection grades, and Pay Commission benefits. Despite repeated correspondence and representations, the service book was never duly finalized.

4.2. Upon retirement on 31.07.2023, pensionary benefits i.e. pension, gratuity, and leave encashment were not fully released. A provisional pension order dated 16.04.2025 was issued with reduced amounts, and without extending the benefits of the 6th and 7th Pay Commissions.

4.3. Learned counsel points out that the petitioner submitted multiple representations seeking release of retiral benefits, proper pay fixation, and selection scale benefits upon completion of 18 and 27 years of service, but to no avail, as his representations have not been redressed.

5. On the other hand learned counsel for the respondents would simply submit that the necessary steps are underway and needful would be done as soon as possible.

6. Heard learned counsel for the parties, as above and perused the record.

7. The matter was earlier heard by co-ordinate Bench of this Court and certain scathing observations were made in order dated 04.05.2026

which, being apposite, is reproduced herein below:-

"This is a serious matter where, a Government employee has been denied proper pay fixation, selection grades and retiral benefits on the ground that his service book is not complete.

The reason for not extending the benefits, as mentioned above, to the petitioner for want of completion of service book cannot be held to be a genuine ground.

Shri S.R. Paliwal, Government Counsel, submits that he may be granted some time to file reply to the writ petition.

Re-notify the matter on 19.05.2026.





It is made clear that on the aforesaid date, if the reply is not filed then the Officer-in-charge shall remain present before this Court to explain the delay/ denial in filing of the reply to the writ petition."

8. Apropos, Mr. Sandeep Kumar Jain, Tehsildar, is present in Court.

Yet again, an adjournment is sought in a very nonchalant manner on the ground that steps are being taken to complete the service book of the petitioner and thereafter to release the petitioner's retiral benefits.

On a court query, it transpires, that there exists neither any legal impediment, nor any pending proceeding nor adverse matter of any other kind against the petitioner, that could justify withholding these benefits.

9. The sole stated ground of non-release of the pensionary dues is that petitioner's service book is incomplete.

10. To say the least, such a defense on the part of respondents is untenable and unacceptable.

11. As is borne out, this matter was earlier heard by a co-ordinate Bench of this Court, which made certain pointed observations in its order dated 04.05.2026, *ibid*. The co-ordinate Bench specifically recorded that this was a serious matter in which a Government employee had been denied proper pay fixation, selection grades and retiral benefits on the ground that his service book was incomplete, a ground which could not be regarded as genuine.

12. The service book is a document maintained, updated and controlled exclusively by the employer i.e., the State and its revenue officers, and the obligation to keep it current rests entirely with the department, not the employee. Any lapse in its updation is therefore attributable solely to the administrative neglect of the respondents. It would be manifestly unjust to allow the respondents to profit from their own default by





visiting its consequences upon the petitioner and withholding benefits lawfully due to him.

13. This is no minor matter. Pensionary benefits are not a bounty disbursed at the pleasure of the State, but property earned through years of service, integral to the right to life and dignity of a retired employee under Article 21.

14. The injustice is aggravated by the delay. The petitioner superannuated on 31.07.2023, yet more than two years have passed without finalization of his service book or full release of his benefits. The grant of only a provisional pension by order dated 16.04.2025, nearly two years after retirement, and that too with the pension and gratuity reduced by half, is itself proof enough of inexcusable administrative inaction.

15. It is well settled that inordinate delay in releasing retiral dues entitles the retiree to interest by way of compensation for the deprivation suffered, for he has been kept out of money that was rightfully his.

16. Vide order dated 04.05.2026, *ibid*, while granting the learned State Counsel time to file a reply, the then Bench made it clear that if no reply was filed by the next date, the Officer-in-charge would have to remain present to explain the delay. Despite that clear warning, the position has scarcely improved. An adjournment is once again sought on the plea that steps are being taken to complete the petitioner's service book.

17. In the premise, this Court has no option but to allow the petition.

18. The respondents are directed to release all retiral benefits due to the petitioner within 60 days, of the instant order being made available, together with applicable interest in accordance with the service rules.





19. To secure compliance, it is further directed that if the petitioner's retiral benefits are not fully released within the period as above, in that case the salaries of respondent No.3, the District Collector of the district from where the petitioner retired and of Mr. Sandeep Kumar Jain, Tehsildar, shall be withheld on expiry of the said specified period. Respondent No.1 shall ensure compliance thereof.

20. The petitioner shall also be paid costs of Rs. 50,000/- by the State/respondent No.1, which shall in turn be recovered from the salary of the officer ultimately found responsible for the failure to complete the service book, after due fixation of responsibility.

21. The writ petition is disposed of accordingly with above directions. All pending applications also stand disposed of.

(ARUN MONGA),J

55-Anshul/-

