



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

S.B. Civil Writ Petition No. 10331/2022

Ratna Ram

-----Petitioner

Versus

1. State of Rajasthan, through its Secretary, Home
Department, Jaipur

2. Superintendent of Police, Sirohi

-----Respondents

For Petitioner(s) : Mr. Shreyansh Mardia

For Respondent(s) : Mr. Manish Vyas, AAG

HON'BLE MS. JUSTICE REKHA BORANA
Order

23/08/2022

The writ petition has been filed by the petitioner seeking directions to the respondents to refund the recovered amount from the petitioner on account of salary, allowance and training expenses alongwith interest @ 9% p.a.

Learned counsel for the petitioner submitted that the issue is squarely covered by the judgment passed in **Mohan Singh v. State of Rajasthan & Ors. (S.B. Civil Writ petition No.8680/2022)** decided on 18.07.2022. In **Mohan Singh's** case (supra), it was observed as under:-

"These writ petitions have been filed by the petitioners seeking directions to the respondents to refund the recovered amount from the petitioners on account of salary, allowance and training expenses alongwith interest @ 9% p.a.

Learned counsel for the petitioners made submissions that the issue raised in the present writ petition is squarely covered by a judgment



in *Arun Choudhary & Ors. v. State of Rajasthan & Ors.*: S.B. Civil Writ Petition No.5255/2013, decided on 11.08.2014 at Jaipur Bench and, therefore, the present writ petition may also be decided in light of and with similar directions as given in the case of *Arun Choudhary (supra)*.

Learned AAG made submissions that though the issue raised is squarely covered by judgment in the case of *Arun Choudhary (supra)* but as another similar nature order passed by this Court is pending consideration before the Division Bench in D.B. Special Appeal (Writ) No.288/2021, wherein, effect and operation of the order has been stayed, therefore, the hearing in the present matter be deferred.

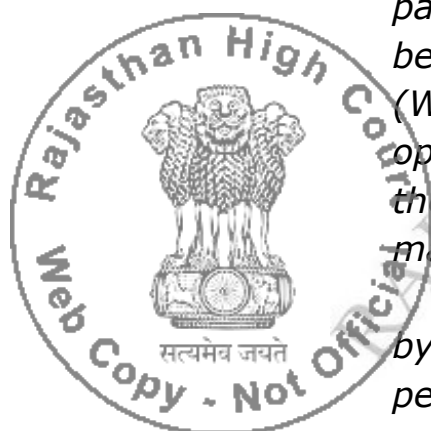
I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

Once it is not in dispute that the issue raised in the present writ petition is squarely covered by the order in the case of *Arun Choudhary (supra)*, merely because an appeal arising out of an order passed following the order in the case of *Arun Choudhary (supra)* is pending consideration before the Division Bench, in which interim order has been granted, cannot be a reason enough for deferring the hearing of the present petition, indefinitely.

A Coordinate Bench of this Court in *Nirmala Kumari v. State of Rajasthan & Ors.*: S.B. Civil Writ Petition No.14864/2021, decided on 25.10.2021, before which also identical submissions were made, has declined similar prayer.

In view of the above fact situation, the writ petitions filed by the petitioners are allowed. The respondents are directed to forthwith reimburse the amount of salary (excluding the training expenses) that was recovered from the petitioners, who have resigned to join other State services. The respondents would also be required to pay interest @ 6% p.a. from the date of recovery till the date of actual payment.

Needful may done by the respondents within a period of two months from the date of this order."





Learned AAG appearing for the respondents is not in a position to refute the above submission.

Therefore, the present writ petition is allowed in the same terms of **Mohan Singh's** case (supra).

The stay petition stands disposed of.

(REKHA BORANA),J



सत्यमेव जयते