



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Civil Writ Petition No. 16344/2021

Mahendra Pal Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent



For Petitioner(s) : Mr. Shreyansh Mardia.
For Respondent(s) : Mr. K.S. Rajpurohit, AAG.
Mr. Ravi Panwar.
Mr. Umesh Kumar, Joint Director,
Pension Department, Jodhpur

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

19/07/2022

Learned counsel for the respondents submits that reply to the petition has been filed yesterday.

Office is directed to tag the same.

Pursuant to the order dated 11.07.2022, though it was not required for the Joint Director, Pension Department, Jodhpur to remain personally present, as the reply was filed yesterday, however, he is present in the Court and when it was put to him that the replies in the matters pertaining to the Pension Department are not being filed in time and looking to the fact that the retired / aged persons are involved in the matters, the Department must ensure that reply in the matters must be filed in time.

Learned counsel appearing for the Department made submissions that despite the repeated indications made to the respondents and specifically the Officer-in-Charge to ensure that



the factual reports are submitted in time and that needful, as required is done, the Officer-in-Charge is not cooperating and/or rather misbehaving with the counsel.

The said aspect was indicated in the presence of the Joint Director, who also made indications that the Officer-in-Charge Ms. Rashmi Tak, Assistant Director is being repeatedly told to do the needful and even today, she was told to attend the Court, however, she has flatly refused to attend the Court and is essentially not following his directions.

Learned counsel for the Department made submissions that the Officer-in-Charge / Additional Director has been referring to a Circular dated 15.10.2019 issued by the Law & Legal Affairs Department to insist that the leading Administrative Department has to respond to the writ petitions and not the Pension Department.

Learned counsel has placed the said Circular for perusal of the Court. The submissions made and the interpretation placed on the said circular is totally baseless, inasmuch as, it has to depend on case to case as to whether the Administrative Department has to respond or the Pension Department has to respond.

In cases, where, the matter is stuck with the Pension Department, it is the Pension Department only, which has to respond unless the matter of grant of pension etc. for some reason is stuck up with the Administrative Department, therefore, the reliance placed on Circular dated 15.10.2019 by the Additional Director seeking to pass the buck to the Administrative Department also cannot be appreciated.

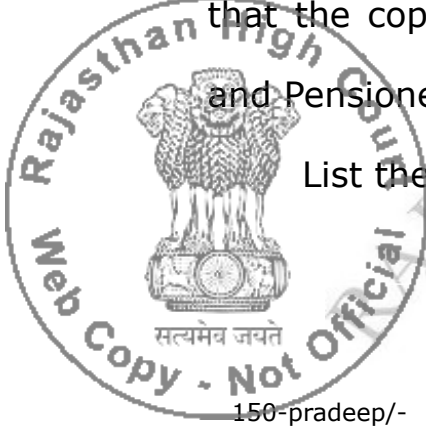
The said position indicated by counsel and the Joint Director cannot be countenanced. The Director, Pension and Pensioners



Welfare Department, Jaipur is directed to look into the matter and ensure that needful is done in this regard, so as to ensure that the Court matters are not delay unnecessarily.

A copy of this order be sent by the Registrar of this Court to the Director, Pension and Pensioners Welfare Department, Jaipur. It would also be ensured by counsel appearing for the Department that the copy of this order is placed before the Director, Pension and Pensioners Welfare Department, Jaipur.

List the petition after ten days.



150-pradeep/-

(ARUN BHANSALI),J

