
(2020) 02 RAJ CK 0138

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1452 Of 2020

Bhagwanti Katara And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0138

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Ramdev Potalia

Judgement

This writ petition has been filed by the petitioners seeking direction to the respondents to make their pay fixation equal to the similarly situated Teachers having been selected in the same selection process while granting the benefit of stepping up of pay and that they may be granted benefit of seniority, promotion and other consequential benefits.

Learned counsel for the petitioners submitted that in identical writ petition filed at Jaipur Bench being S.B. Civil Writs No.12109/2018 (Nand Kishore Sharma & Ors. Vs. The State of Rajasthan & Ors.), decided on 18.07.2018 on the submissions made by counsel the respondents have been directed to decide the representation made by the petitioners therein and, therefore, a similar direction may be granted in the present case.

In view of the submissions made, the writ petition filed by the petitioners is disposed of with similar direction as given in the case of Nand Kishore Sharma (supra), wherein, it was directed as under:-

"In case, a representation is so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a reasoned and speaking order as expeditiously as possible in accordance with law. However, in no case later than three months from the date of receipt of the representation along with a certified copy of this order."

The stay application also stands disposed of.

For the purpose aforesaid, the petitioners shall file a representation before the respondents giving out the requisite details, along with certified copy of the order instant within a period of four weeks from today. On receipt of the representation, the concerned respondent shall decide the same in accordance with law, within a period of eight weeks from the date of receipt of the representation and accord notional benefits to the petitioners from the date person(s) similarly situated to the petitioners have been granted the said benefit.

Upon consideration of the representation so filed, if respondents find the case(s) of the petitioners to be covered by the judgment aforesaid, before giving actual benefits, an undertaking shall be procured from the concerned petitioners to the effect that their rights/entitlements shall be subservient to the fate of the judgment(s) aforesaid and in case the same is reversed or modified in any manner, he/she/they shall also be liable for restitution of any benefits/emoluments so received.