
(1992) 04 RAJ CK 0009

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3875 of 1990

Bhom Singh Rathore

APPELLANT

Vs

The Rajasthan State Electricity Board and Another

RESPONDENT

Date of Decision : 23-04-1992

Acts Referred:

Citation : (1992) 1 WLN 351

Hon'ble Judges : Rajesh Balia, J

Bench : Single Bench

Judgement

Rajesh Balia, J.—The petitioner has prayed for the following reliefs:

(i) to declare that the petitioner stands appointed as Meterreader Grade II, on and from the date the persons similarly situated were appointed and is entitled to emoluments on and from the date said date with interest at the rate of 18% per annum and he be paid back emoluments which has become payable to him but not paid.

(ii) to declare the order dated 10.8.1990 posting the petitioner as Peon invalid and quashed.

2. The factual matrix of the case, on which there does not appear to be any dispute after going through the petition as well as the reply, may be stated thus:

3. The petitioner is matriculate and was appointed as class IV servant by the Rajasthan State Electricity Board (hereinafter called "the Board"). Whether the petitioner was matriculate at the time of appointment or obtained such qualification subsequently, is disputed, but is not relevant for the present purpose because, admittedly, the petitioner was matriculate at time of filing of the writ petition and, is eligible now to hold the post of Meter-reader/Bill Distributor or higher post, is not disputed. While the petitioner contends that since March, 1980 he has been discharging the duties of Meter Reader or Bill Distributor, until filing of the writ petition and his specific averments to the same

may be re-produced below:

A-1. That the petitioner is Matriculate and received appointment on a class IV post in the respondent Rajasthan State Electricity Board (for short, the R.S.E.B. hereinafter). Though he was appointed as class IV servant, the work of meter reading and bill distribution has been taken from his right from March 1980 till date. The petitioner has occasion to refer to material in support of the contentions in this behalf."

"B/13. That from the aforesaid, it is amply clear that the petitioner has been discharging duties of Bill Distributor from March 1980 to date and has discharged duties of Meter Reader from July 1983 to April, 1985 and again from September, 1987 to February, 1988.

4. There is no specific denial of these averments on behalf of the respondents. However, the substance of the return is that at best, the petitioner can be said to be discharging the duties of Meter Reader for the period aforesaid and Bill Distributor since 1985. That is to say, in this scenario, it can well be said that from July, 1983 onwards the petitioner has either discharged the duties of Meter Reader or Bill Distributor. Vide order dated 10.8.1990 (Annex13), the petitioner was ordered to be transferred as class IV servant from the office of the Assistant Engineer (O & M), R.S.E.B., Nagaur to the office of Superintending Engineer (O & M), R.S.E.B., Nagaur. This Court vide its order dated 6th September, 1990 directed the respondents to retain the petitioner in the capacity of Bill Distributor and the petitioner is discharging the duties of Bill Distributor as such.

5. Learned Counsel for the petitioner states that since he has been discharging regularly the duties of Meter Reader/Bill Distributor from 1980 and even according to the respondent's reply, at least since 1983. He is entitled to be regularised on the post of Meter Reader/Bill Distributor since the date of his initial appointment and he is entitled to be fixed in the regular pay scale applicable for the post of Meter Reader/Bill Distributor, with effect from that date and, to all consequential benefits. He also places reliance on Annx.10 dated 19/21.1.1989 issued by the Board, which are guide-lines for filling up the vacant posts of Meter Reader Grade II from amongst existing staff and prescribes qualifications which are required for the in- service candidate to be eligible for appointment on such post. The qualifications required are that he be secondary passed and holds 5 year's experience as Meter Reader/Bill Distributor and the petitioner also applied for being appointed on the vacant post in terms of said circular.

6. Learned Counsel for the respondents contends that the petitioner's application for appointment in terms of the circular dated 21.1.1989 is pending consideration before the Board and will be considered on its own merits as and when the Screening Committee meets; notwithstanding the fact that the petitioner was appointed as Peon.

7. From the pleadings of parties, it can not be disputed that the petitioner has

actually discharged the duties as Meter Reader from July, 1983 to April, 1985 and from September, 1987 to January, 1988 onwards, the petitioner has discharged the duties of Bill Distributor, and, is continuously discharging the duties of Bill Distributor even now at least from 1985. Learned Counsel for the respondents is not in a position to say within how-much time the application for appointment on the post of Meter Reader Grade II is likely to be considered in the light of circular dated 21.1.1989, though as per the return the vacancies are in existence since before 1990.

8. In these circumstances, I deem it just and proper to direct the respondents to allow the petitioner to function as Bill Distributor until his application for appointment on the post of Meter Reader Grade II is considered and decided in accordance with the relevant norms by the Board and, he be paid emoluments for the post of Bill Distributor since the date of filing of this writ petition, that is, from 5.9.1990. The experience gained by the petitioner on the post of Meter Reader as well as Bill Distributor since 1983 will be taken into consideration, while considering the case of the petitioner for regular appointment on the post of Meter Reader Grade II, in terms of the circular dated 19/21.1.1989 (Annx.13).

9. The writ petition, accordingly, stands disposed off as indicated above.