

(2018) 05 RAJ CK 0018
In the Rajasthan High Court
Case No : Civil Writs No. 6680 of 2012

Deena Nath

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 02-05-2018

Acts Referred:

Citation : (2018) 05 RAJ CK 0018

Hon'ble Judges : ASHOK KUMAR GAUR, J

Bench : Single Bench

Advocate : M.M. Mehrishi, A.S. Khangarot

Final Decision : Disposed Off

Judgement

The petitioner has filed the instant petition claiming the benefit of pay-scale of sub-inspector of police (MT). The petitioner submits in the petition that

he has been discharging the duties on the post of Constable (driver) and after getting benefit of selection scale on the post of head Constable, he is

entitled for the pay-scale of sub-inspector of police and not pay-scale of assistant sub-inspector of police.

Learned counsel for the petitioner submits that the controversy raised in the present writ petition has already been decided by the Division Bench in

D.B. Civil Special Appeal (Writ) No.2056/2014 [The Home Secretary, Government of Rajasthan & Ors. Vs. Shyoram & Anr.] and other connected

special appeals, decided on 02.07.2015. He also submits that the State had preferred the special appeal in the Supreme court and the Supreme Court

dismissed the special leave petition filed by the State. He further submits that after decision of the Division Bench, the Coordinate Bench of this Court

has disposed of S.B.Civil Writ Petition No.22240/2017 [Sivraj & Ors. Vs. State of

Rajasthan & Ors.] in view of the decision of Division Bench. The

Co-ordinate Bench has further directed to file representation before the competent authorities and the State authorities have been

directed to consider and decide the representation by a reasoned and speaking order in accordance with law.

Learned counsel submits that petitioner may also be granted same relief of filing a representation and time bound direction may be given to decide the representation.

The Co-ordinate Bench in S.B.Civil Writ Petition No.22240/2017 [Sivraj & Ors. Vs. State of Rajasthan & Ors.] (Supra) has passed following order:-

Learned counsel for the petitioners, at the very outset, submits that the controversy raised in the instant writ application stands resolved in view of

the adjudication made by a Division Bench in a batch of intra-court appeal lead case being D.B. Civil Special Appeal (Writ) Number 2056 of 2014:

The Home Secretary, Government of Rajasthan & Ors. Versus Shyoram & Anr., decided on 2nd July, 2015, declining the intra-court appeals

observing thus:

3. An interim order was passed by this Court on 27.02.2015, on the ground that against the judgment passed by the Division Bench in State of

Rajasthan & Anr. Vs. Jagdish Prasad & Anr. (D.B. Civil Special Appeal(W) No.161/2012), the Supreme Court has granted an interim order in the

contempt proceedings for implementation of the judgment of the Division Bench. This Court had passed the interim order on 27.02.2015, awaiting the

orders, to be passed by the Supreme Court in the Civil Appeals.

4. We are informed that Civil Appeal No.1766 of 2015- State of Rajasthan And Ors. Vs. Banney Khan, and other connected civil Appeals, have been

dismissed by the Supreme Court on 12.05.2015, with the following order:-

We have heard learned counsel for the parties to the lis and carefully perused the material available on record.

In our considered opinion, we do not find any infirmity in the impugned judgments and orders passed by the High Court. Accordingly, the Civil Appeals are dismissed.

5. With the dismissal of the Civil Appeals by the Hon'ble Supreme Court, the orders passed by learned Single Judge, as affirmed by the Division

Bench, have been confirmed and have become final.

6. The Special Appeals are, consequently, dismissed.

7. A copy of the judgment will be placed in the connected files.â??

It is further contended that for the present; the petitioners would be satisfied, if the State-respondents are directed to consider and decide the

representation of the petitioners, within a time frame, in the backdrop of the settled legal position in the case of Shyoram & Anr. (supra), which has

also been upheld by the Supreme Court declining SLP on 12th May, 2015; which they are ready and willing to address within two weeks hereinafter.

In view of the limited prayer addressed; the instant writ proceedings are closed with a direction to the petitioners to address a comprehensive

representation enclosing a copy of the order in the case of Shyoram & Anr. (supra).

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.

With the observations and directions, as indicated above, the writ application stands disposed off.â??

The present writ petition is decided with a direction to petitioner to file detailed representation along with copy of the order in case of Sivraj & Ors.

Vs. State of Rajasthan & Ors. (supra).Â TheÂ representationÂ soÂ filedÂ willÂ beÂ decidedÂ byÂ the respondents-State by a reasoned and

speaking order within a period of six weeks in accordance with law.

With the observations and directions, as indicated above, the writ petition stands disposed of.