

(2021) 10 RAJ CK 0043

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 13922 Of 2021

Durga Shanker Suthar

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 18-10-2021

Acts Referred:

Citation : (2021) 10 RAJ CK 0043

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Bhanu Prakash Mathur

Final Decision : Disposed Of

Judgement

Manoj Kumar Garg, J

Learned counsel for the petitioner states that the matter is squarely covered by the judgment passed by this Hon'ble Court in Dadam Das Vaishnav Vs. State of Rajasthan & Ors.(S.B.Civil Writ Petition No.8309/2012, decided on 20.05.2013). The judgment reads as under :-

"The petitioner entered in the services of the respondents, being appointed as Multipurpose Health Worker (Male) under the order dated 11.2.1991 in the pay-scale of Rs.950-1520. As a consequent to the amendment introduced in Rajasthan Civil Services(Revised Pay-scale) Rules, 1989, the pay-scale of Rs.950-1680 was allowed to the petitioner while serving as Multipurpose Health Worker(Male). The respondents vide order dated 13.3.2002 allowed pay-scale of Rs.3200-4900 as first selection grade w.e.f. 19.2.2000. The grievance of the petitioner is that instead of the pay-scale of Rs.3200-4900, pay-scale of Rs.4000-6000 should have been as the first selection grade. It is submitted that the petitioner is holding an isolated post, therefore, selection grade should have been allowed to him as per para-5 of the Government of Rajasthan circular dated 25.1.1992 and its subsequent order dated 17.2.1998.

A reply to the writ petition has been filed on behalf of the respondents stating therein that the petitioner, though, was working as Multipurpose Health Worker (Male), but that is not a post isolated one, as such, the pay-scale was allowed to him pertaining to the first promotional post.

Heard.

The post of Health Worker (Male) (Ordinary Scale) is prescribed under the Rajasthan Medical & Health Subordinate Service Rules, 1965. Appointment to this post is required to be made 100% by way of direct recruitment. Under the Rules aforesaid, no promotion avenue was available to the Multipurpose Health Worker (Male) on the day the petitioner became entitled to have the first selection grade, as such selection grade is required to be given to the petitioner as per para-5 of the Government of Rajasthan circular dated 17.2.1998. Under the notification aforesaid, the pay-scale applicable for the petitioner is Rs.4000-6000. The respondents, therefore, erroneously made fixation of the petitioner's pay in the pay-scale of Rs.3200-4900 after awarding first selection grade.

As a matter of fact, the issue involved in this petition for writ has already been adjudicated earlier in the case of Asha Ram & Anr. Vs. State of Rajasthan & Ors., (S.B. Civil Writ Petition No.5333/2006 decided on 17.5.2013).

Having considered all the facts of the case, this petition for writ for the reasons given deserves to be accepted. Accordingly, the same is allowed. The respondents are directed to allow first selection grade to the petitioner in the pay-scale of Rs.4000-6000 w.e.f. 11.2.1991 and second & third selection grades in terms of para-5 of the circulars dated 25.1.1992 and 17.2.1998. No order as to costs."

Learned counsel for the petitioner states that the petitioner shall be satisfied if his representation is decided by the respondents in light of the aforequoted precedent of Dadam Das Vaishnav (*supra*).

In light of the aforequoted judgment, the writ petition is disposed of with the direction to the respondents to decide the representation of the petitioner in terms of aforementioned judgment within a period of 30 days from today strictly in accordance with law.