

(2020) 08 RAJ CK 0048

In the Rajasthan High Court

Case No : Civil Writ Petition No. 21041, 21093 Of 2018

Ghanshyam Arya And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 06-08-2020

Acts Referred:

Citation : (2020) 08 RAJ CK 0048

Hon'ble Judges : Ashok Kumar Gaur, J

Bench : Single Bench

Advocate : Girish Khandelwal, Dr.VB Sharma,

Final Decision : Allowed

Judgement

Learned counsel for the petitioners submitted that the issue in the present writ petitions is with regard to grant of benefit to the petitioners, as per the judgment passed in the case of Dadam Das Vaishnav Vs. State of Rajasthan & Ors. (SB Civil Writ Petition No.8309/2012).

Learned counsel for the petitioners further submitted that the Coordinate Bench of this Court in SB Civil Writ Petition No.10874/2018 (Chananmal Saini & Ors. Vs. State of Rajasthan & Ors.) has passed an order on 2 nd December, 2019 and has found that litigation is increased by the State by not implementing the judgment to all the persons, who are covered by the judgment given in the case of Dadam Das Vaishnav (supra).

Learned counsel for the petitioners submitted that in the judgment of Chananmal Saini & Ors. (supra), the Coordinate Bench of this Court had also directed the Authority - Director, Medical & Health Services to fix the accountability of not granting selection scale to the persons concerned and further, to recover the interest amount from their salary.

Learned counsel submitted that the petitioners are entitled for revision of the pay-scale on completion of 9 and 18 years of service in revised pay-scale of

Rs.1200-2050 (revised 4000-6000) and Rs.1400-2600 (revised 5000-8000).

Learned counsel submitted that the petitioners have wrongly been given pay-scale of Rs.975-1720 and Rs.1200-2050.

Learned Additional Advocate General Dr.VB Sharma, appearing on behalf of the respondents, submitted that though the issue with regard to grant of revised pay-scale to the Multipurpose Health Worker has been decided by this Court in catena of judgments, however, the State Government is scrutinising the cases of individual and also considering grant of such benefits.

Learned Additional Advocate General Dr.VB Sharma further submitted that in case, the issue of the petitioners is covered by the judgment in the case of Dadam Das Vaishnav (supra), necessary orders will be issued by the authorities.

This Court finds that the case of Dadam Das Vaishnav (supra) has been decided and the operative portion of the said judgment is quoted hereunder for ready reference :

"In Dadam Das Vaishnav Versus State of Rajasthan & Ors.: SBCWP No.8309/2012, this Court has taken the following view:

"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."

This Court further finds that the Coordinate Bench of this Court in the case of Chananmal Saini & Ors. (supra) has also given direction to the State Authorities to decide the cases of the other similarly situated employees and to grant them benefits of revised pay-scale.

This Court finds that the issue is no more res-integra in respect of grant of

revised pay-scale to the persons, who have been appointed as Multipurpose Health Worker and their services have been regularised from initial date of appointment.

Accordingly, these writ petitions are allowed in terms of the order passed by this Court in the case of Dadam Das Vaishnav (*supra*).

The required exercise of considering the case of the petitioners for revising the pay-scale will be given effect by the respondents within a period of six weeks from the date of receipt of copy of this order.

A copy of this order be separately placed in the connected file.