

(2017) 03 RAJ CK 0040
In the Rajasthan High Court
Case No : 15332 of 2016

Gulab Singh S/o Sh. Devi Singh

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 08-03-2017

Acts Referred:

Citation : (2017) 03 RAJ CK 0040

Hon'ble Judges : Dinesh Mehta

Bench : SINGLE BENCH

Advocate : Pankaj Sharma, ?Kuldeep Solanki, ?Maniksh Patel

Final Decision : Allowed

Judgement

1. Matter comes up on an application for early listing of the case.

2. For the reasons mentioned in the application, same is allowed. With the consent of learned counsel for the parties, matter is heard finally today.

3. Petitioner has filed this writ petition for claiming undermentioned reliefs:-

"1. The respondents may kindly be directed to grant regular pay scale to the petitioner from the date of his joining the

duty on the post of Gram Sevak with all consequential benefits, including fixation of pay and arrears etc.

2. The respondents may very kindly be directed to pay to the petitioner the regular pay scale of Gram Sevak/Secretary with all consequential benefits;

3. Costs of the writ petition may be awarded in favour of the petitioner; and

4. Any other relief/reliefs which this Hon"ble Court may deem just and proper

in the facts and circumstances of the case, may also be granted in favour of the petitioner."

4. At the outset, learned counsel for the parties, ad idem, submits that the controversy involved in the present writ petition is squarely covered by a decision rendered by this Court in S.B.Civil Writ Petition No.6401/2011 (Ashok Kumar & Ors. Vs. State of Rajasthan & Ors., decided on 31.07.2013). While deciding that writ petition, the Court has issued undermentioned directions:-

"In the result, the writ petitions succeed, the same are hereby allowed. The guidelines laid down by the State Government clarifying the circular dated 2.10.10, as contained in clause 3 of the order dated 23.05.11 provided for the benefits regular pay scale admissible to the post of Gram Sevak to the surplus employees of Spinfed/Cotton Complex absorbed/appointed by transfer on the post of Gram Sevak, on completion of ten years of service in terms of clause 5-Ga of circular dated 2.10.10 instead of from the date of their joining on the post in terms of clause 2 of the said circular dated 2.10.10 is held to be illegal and quashed. Consequently, the resolutions adopted by the District Establishment Committee/Zila

Parishads in compliance of the clarification issued by the State Government as aforesaid vide order dated 23.5.11 and the orders issued pursuant thereto, withdrawing the regular pay scale admissible to the post of Gram Sevak, already granted to the petitioners and directing recovery of the excess amount paid are also quashed. The orders issued by the Zila Parishad/Panchayat Samitees concerned extending the benefit of regular pay scale admissible to the post of Gram Sevak to the petitioners with effect from the date of their joining the duties are restored. No order as to costs."

5. It is further submitted by learned counsel for the parties that the said decision has been affirmed by the Division Bench in D.B. Civil Special Appeal (Writ) No. 1298/2014 (State of Rajasthan & Ors. Vs. Thakar Ram with 12 other civil appeals, decided on 10.11.2014).

6. In view of the fact that lis involved in the matter is no more res-integra and has been set at rest by the Division Bench of this Court, the instant petition is also allowed in the same terms as

that of Ashok Kumar(supra).