

**(2013) 07 RAJ CK 0249**

**In the Rajasthan High Court**

**Case No : Civil Writ Petition No. 7131 of 2012**

Hanuman Sahay Raigar

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

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**Date of Decision : 23-07-2013**

**Acts Referred:**

**Citation : (2013) 4 CDR 2214**

**Hon'ble Judges : Sangeet Raj Lodha, J**

**Bench : Single Bench**

**Advocate : Pramendra Bohra, for the Appellant; D.R. Kawadia, Deputy Government Counsel, for the Respondent**

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## **Judgement**

Sangeet Raj Lodha, J.—This writ petition is directed against order dt. 30.5.12 passed by the Rajasthan Civil Services Appellate Tribunal (for short "the tribunal"), Circuit Bench, Jodhpur, whereby an appeal preferred by the petitioner, a Class IV employee, claiming payment of salary at par with the co-employee Mahendra Kumar alleged to be junior to him, stands rejected. The petitioner entered the services of the respondents on 21.4.93 as Chowkidar on daily wages basis. The petitioner's services were brought to an end on 17.1.94. Aggrieved thereby, the petitioner raised an industrial dispute which was referred for adjudication to the Labour Court I, Jaipur. The reference was answered by the Labour Court in terms that the termination of the petitioner's services by the respondents is just and proper. Aggrieved by the award passed by the Labour Court as aforesaid, the petitioner preferred writ petition before the Jaipur Bench of this Court, which was allowed vide order dt 2.6.06 and the matter was remitted back to the Labour Court for adjudication of the dispute on merits. Thereafter, vide award dt. 24.8.06 passed by the Labour Court, the termination of the services of the petitioner was found to be illegal and he was directed to be reinstated with continuity of service but without back wages. After reinstatement in service, the petitioner claimed salary in the minimum of the pay scale admissible to the Post of Class IV employee at par with co-employee Shri

Mahendra Kumar, who was being paid salary in minimum of the regular pay scale admissible to the post of Class IV employee. The petitioner made the representation for regularization of his services as well but to no avail. In these circumstances, the petitioner preferred an appeal before the tribunal claiming the relief as mentioned hereinabove, which stands rejected by the order impugned. Hence this petition.

2. Learned counsel appearing for the respondents fairly submitted that vide notification dt. 27.2.09 issued by the State Government, Rule 6 of Rajasthan Class IV Services Recruitment & Other Service Condition Rules, 1999 (for short "the Rules of 1999") stands amended whereby while inserting sub-rule (4) the provision has been made for regularisation of the Class IV employees, who had completed ten years of service without interruption as on 10.4.06, after screening by a Committee constituted. Learned counsel submitted that in view of the award passed by the Labour Court, the petitioner is continuing in "service from the date of his initial appointment and therefore, his candidature is bound to be considered for regularisation by the Screening Committee in terms of Rule 6(4) of the Rules of 1999.

3. Learned counsel appearing for the petitioner submitted that the writ petition may be disposed of with the directions to the respondents to consider the candidature of the petitioner for regularisation in service in terms of Rule 6(4) of the Rules of 1999 within the stipulated period. Accordingly, with the consent of the learned counsel for the parties, the petition is disposed of with the direction to the respondents to consider the candidature of the petitioner for regularisation in terms of provisions of Rule 6(4) of the Rules of 1999 within a period of two months from the date of receipt of certified copy of this order. No order as to costs.