

(2014) 05 RAJ CK 0154
In the Rajasthan High Court
Case No : Civil Writ Petition No. 7331/2012

Heera Lal Regar

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0154

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Ramesh Kumar Prajapat, Advocate for the Appellant; Manish Patel, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Vineet Kothari, J.—The writ petition has been filed by the petitioner with the following prayers:

1. The impugned order dt. 8-11-2011 (Annex. 7) passed by the respondents may kindly be quashed and set aside with all its natural consequences.
 2. The respondents may very kindly be directed to pay to the petitioner the regular pay scale of Secretary with all consequential benefits as if same was never denied to the petitioner;
 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.
2. The learned counsel for the petitioner, Mr. Ramesh Kumar Prajapati submitted that the controversy involved in the present writ petition is squarely covered by the decision of this Court in the case of Ramesh Chandra Suhalkha V/s. State and ors., SBCWP No. 7459/2012 decided on 31.7.2013 in which this Court held as under:

1. By way of these writ petitions, the petitioners surplus employees of Spinfed have questioned the action of the respondents in withdrawing the regular pay scale admissible to the post of Gram Sevak accorded to them from the date of their joining the duties on the said post, pursuant to the Government order dated 23.5.11 and deferring the benefits thereof till their completion of ten years of service on the post of Gram Sevak.

2. The controversy involved in these writ petitions stand covered by the decision rendered by this Court today in the matter of Ashok Kumar & Ors. vs. State of Rajasthan & ors. (S.B. CIVIL WRIT PETITION No. 6401/11 and other connected matters), which stand allowed in the following terms:

21. 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 23.5.11 providing 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 1.10.10 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.

3. Accordingly, these writ petitions are also allowed in the terms indicated above.

3. The learned counsel for the respondents is not in a position to controvert the said submission.

4. Accordingly, the present writ petition is disposed of in same terms. No order as to costs. A copy of this order be sent to the parties concerned forthwith.