

(2017) 01 RAJ CK 0028
In the Rajasthan High Court
Case No : 4713 of 2012

Hemant Kumar Ojha s/o Shri Radha Krishna Ojha	APPELLANT
Vs	
State of Rajasthan	RESPONDENT

Date of Decision : 13-01-2017

Acts Referred:

Citation : (2017) 01 RAJ CK 0028

Hon'ble Judges : Dr Pushpendra Singh Bhati

Bench : SINGLE BENCH

Advocate : Muktesh Maheshwari, B.L. Bhati

Final Decision : Allowed

Judgement

1. The petitioner has preferred this writ petition seeking following reliefs:

"(a) by an appropriate writ, order or direction, this writ petition may kindly be allowed and the respondents may kindly be directed to assign the proper and correct seniority to the petitioner by treating his date of initial appointment as 20.4.89 and/or the date of his confirmation from 20.4.91 and thereafter grant promotion to the petitioner to the post of Teacher Grade-II from the date, the teachers appointed

after the appointment of the petitioner were promoted with all consequential benefits

(b) the respondents may be directed to grant all consequential benefits to the petitioner after considering his aforesaid due seniority from 20.04.89

(c) any other appropriate order or direction, which this Hon"ble Court deem just and proper be passed in favour of the petitioner.

(d) Costs of this writ petition may kindly be allowed to the petitioner."

2. The facts as noticed by this Court are that the petitioner was appointed on 20.04.1989. The services of the petitioner were confirmed with effect from 20.04.1991 vide order dated 28.10.1996. The petitioner was not given seniority as it was pointed out that there were certain documents, which were required to be completed by the petitioner vide order dated 06.10.1998. The petitioner thereafter made number of representations seeking seniority appropriately. In spite of repeatedly taking up the case appropriate seniority was not given to the petitioner. Therefore, he has approached this Court seeking seniority from 20.04.1989/20.04.1991.

3. The respondents have filed a reply and have stated that though the petitioner had joined his duties on 20.04.1989 but his services were confirmed only on 20.04.1991. The reply also contains the fact that after confirmation the petitioner was given regular annual grade increments and other benefits including selection scale.

4. Since it is not in dispute that the petitioner is holding confirmed post with effect from 20.04.1991, therefore, it would be appropriate to direct the respondents to compute seniority of the petitioner with effect from 20.04.1991 and consider him for all other consequential benefits accordingly.

5. The writ petition is therefore allowed and the respondents are directed to give seniority to the petitioner with effect from confirmation of his appointment on 20.04.1991 and all other consequential benefits.

6. The order may be implemented within period of 04 months from furnishing of a certified copy of this order by petitioner before the concerned respondent authority.