

(2017) 03 RAJ CK 0005
In the Rajasthan High Court
Case No : 3118 of 2017

Mahaveer Singh S/o Shri Mohan Singh	APPELLANT
Vs	
The State of Rajasthan	RESPONDENT

Date of Decision : 01-03-2017

Acts Referred:

Constitution of India, Article 14, Article 309 - Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions - Recruitment and cond

Citation : (2017) 03 RAJ CK 0005

Hon'ble Judges : Kanwaljit Singh Ahluwalia

Bench : SINGLE BENCH

Advocate : Naveen Dhuwan, Sandhya Punia, M.F. Baig, Arpit Srivastava

Final Decision : Disposed

Judgement

1. The learned counsel for the parties are in agreement that the issued raised in the present petition is squarely covered by the order passed by the co-ordinate Bench on 2.2.2017 in bunch of writ petitions, lead case being Badri Narayan Yadav vs. State of Rajasthan & Anr., SBCWP No .16768/2016. The order dated 2.2.2017 passed in Badri Narayan Yadav's case (supra), reads as under:-

"The petitioners are claiming themselves to be the ExServicemen being retired from Army and seeking reservation for the post of Junior Accountant/Tehsil Revenue Accountant, the posts which are included in the Schedule appended to Rajasthan Subordinate Accounts

Service Rules, 1963 & Rajasthan Revenue Subordainte Service Rules, 1975

respectively which came to be advertised by the Commission vide its advertisement dt.18.09.2013.

For Ex-Servicemen, special Rules have been framed by the Government in exercise of powers conferred by the proviso to Art.309 of the Constitution namely "The Rajasthan Civil Service (Absorption of Ex-Servicemen) Rules, 1988 with the proviso that those who are Ex- Servicemen would be eligible for recruitment and appointment to the posts in all the Departments of the State Government, as specified in Schedule-I, provided such appointment shall not exceed 12% in the Ministerial and subordinate services and 15% in Class-IV services to be filled in a year by direct recruitment.

Indisputably, the posts of Junior Accountant/Tehsil Revenue Accountant are not included in the Schedule-I appended to the Rules, 1988 & in absence of its inclusion certainly the benefit of reservation to Ex-Servicemen in the subordinate service, which is being claimed by the petitioners, cannot be extended to.

Some of the petitioners approached to the Division Bench of this court with the grievance that non-inclusion of the posts of Junior Accountant/Tehsil Revenue Accountant in Schedule-I appended to the Rules, 1988 is arbitrary & violative of the Art.14 of the Constitution and no nexus is sought to be achieved in exclusion of certain services.

D.B.Civil Writ Petition No.11524/2015 at the motion stage was disposed of by the Division Bench of this court vide order dt.20.08.2015 and the operative portion of the order reads as follows:-

"Having regard to grievance of petitioner and nature of prayer made, we are not inclined to directly entertain this writ petition, rather require petitioner to approach respondents no.1 and 2 by way of a representation along-with a copy of this order, who shall examine his grievance for inclusion of the post of Junior Accountant in the Rajasthan Civil Services (Absorption of Ex-Servicemen) Rules, 1988, and shall take a decision thereabout and decide the representation by an appropriate speaking and reasoned order within a period of three months from the date of its making."

While disposing of the writ petition, the Division Bench was of the view that the State Government may examine the grievance for inclusion of the post of Junior Accountant/Tehsil Revenue Accountant in the Rules, 1988 and take a decision in accordance with law.

In the light of what has been observed by the Division Bench, this Court considers it appropriate that whatever the action being taken by the authority pursuant to the order passed by the Division Bench, shall certainly be applicable in the case of the present petitioners *mutatis mutandis*.

In view of the above, the instant writ petitions stand disposed of "

2. The learned counsel for the parties have jointly prayed

that the present writ petition be disposed of in same terms as in the case of Badri Narayan Yadav vs. State of Rajasthan & Anr., SBCWP No .16768/2016 decided on 2.2.2017.

3. ordered accordingly.