
(2014) 07 RAJ CK 0137
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4446/2014

Mahendra Singh	Vs	APPELLANT
State of Rajasthan		RESPONDENT

Date of Decision : 07-07-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 07 RAJ CK 0137

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Mukesh Vyas, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Dr. Vineet Kothari, J.—The present writ petition has been filed by the petitioners jointly, who are 7 in number, claiming following relief/s:-

It is, therefore, respectfully prayed that the record of the case may be called for and by the appropriate writ, order or direction:

1. The impugned order dated 3.4.2014 (Anx. 17) may kindly be quashed and set aside qua the petitioners and the respondent university may kindly be directed to allow the revised pay scale of Rs. 5500-9000 to the petitioners w.e.f. 1.9.1998, with all consequential benefits and further the pay scale of Rs. 6500-10500, 8000-13500 and Rs. 10000-15200 (or AGP applicable to the 6th Pay Commission), may be allowed to the petitioners on promotion/completion of 9, 18 and 27 years of service (as the case may be), with all consequential benefits.
2. That the respondents may kindly be directed to grant aforesaid financial benefits w.e.f. 1.9.1998 with 6% interest on the arrears as given to other employees of the other universities of the Rajasthan.
3. That any other relief which this Hon'ble Court deemed to be fit may kindly be granted in his favour.

4. That writ petition may be allowed with costs.

2. This Court in identical writ petition involving similar controversy being SBCWP No. 3273/2011- Hari Prakash Harsh and ors. V/s Swami Keshwanand Rajasthan Agriculture University and ors. and along-with connected two writ petitions, decided on 22.05.2014 has dismissed the writ petitions filed by the petitioners and held as under: -

3. Having heard the learned counsel for the petitioner, this Court is of the considered opinion that the writ petition is misconceived and premature. The order Annex. 9 dtd. 3.4.2014 is only an interim order passed for awaiting the approval of the State Government and it has not so far withdrawn the orders earlier passed dtd. 31.12.2013, Annex. 3 (SBCWP No. 3273/2014-Hari Prakash Harsh and ors. V/s Swami Keshwanand Rajasthan Agriculture University), order dtd. 7.3.2014, Annex. 4 (SBCWP No. 3277/2014-K.S. Shekhawat and ors. V/s Swami Keshwanand Rajasthan Agriculture University) and order dtd. 7.3.2014, Annex. 3 (SBCWP No. 3287/2014-Kailash Kumar Purohit V/s Swami Keshwanand Rajasthan Agriculture University, Bikaner) in favour of the petitioners granting them benefit of selection grade etc.

4. There is no occasion for the petitioners to approach this Court and invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India against the interlocutory order passed by the respondent-University and unless the final orders are passed by the respondent-University, if adverse to the petitioners, no cause of action arises to the petitioner to invoke the writ jurisdiction. The interim order quoted above qua that petitioner is not a final order and is, therefore, not a precedent for finally deciding the present writ petition. This Court cannot dispense with the requirement of respondent-University to seek necessary approval of the State Government for grant of selection scale to the petitioners.

5. Accordingly, the present writ petitions are dismissed as premature. No order as to costs. A copy of this order be sent to the parties concerned forthwith.

3. In view of above, the present writ petition filed by the petitioner is also dismissed in the same terms. No costs. A copy of this order be sent to the concerned parties forthwith.