
(2011) 02 RAJ CK 0103
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4728 of 2009

Makhan Lal Saini

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 08-02-2011

Acts Referred:

Citation : (2011) 02 RAJ CK 0103

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Rastogi, J.—Instant petition has been filed with the grievance that while working as Class IV servant, benefit of 2nd & 3rd selection scale to which Petitioner is otherwise entitled for on completion of 18/27 years of service has not been granted to him, for which he has prayed.

2. In the reply, Respondents have interalia averred that the Petitioner was initially appointed in the cadre of Class IV in August, 1981 and was granted benefit of 1st selection scale on completion of 9 years service as per the Rules; but it has been alleged that Petitioner remained absent from 02/05/1998 to 12/01/1999 - in the absence of any explanation regarding his absence from duty and verification of service, his case for grant of 2nd & 3rd selection scale could not have been considered on completion of 18/27 years of service.

3. It appears that only reason which the Respondents have taken note of for not considering for grant of 2nd & 3rd selection scale, is in regard to the leave for the period (supra). However, it is not the case of Respondent that Petitioner is not eligible or has not completed 18 or 27 years of service; and that apart, it is also not their case that regarding alleged absence, any action has been taken against him - in absence whereof, since the Petitioner is working in the cadre of Class IV w.e.f. August, 1981, that certainly makes him entitled for grant of 2nd/3rd selection scale on completion of 18/27 years of his service and the same

could not have been denied to him merely only on the premise that absence/leave period (supra) has not been regularised so far.

4. Consequently, writ petition succeeds and is hereby allowed and the Respondents are directed to consider case of the Petitioner for grant of 2nd & 3rd selection scale on completion of 18/27 years of his service in accordance with law. However, it will not preclude the Respondents from taking appropriate action in regard to the alleged absence/leave period (supra) in accordance with law. Compliance of aforesaid directions be ensured within three months. No costs.