
(2005) 12 RAJ CK 0039

In the Rajasthan High Court

Case No : Special Appeal (Writ) No. 326 of 2002

Manju Sharma (Smt.)

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 14-12-2005

Acts Referred:

Rajasthan Computer State and Subordinate Service Rules, 1992 — Rule 6
Rajasthan Work-Charged Employees Service Rules, 1964 — Rule 3(3)

Citation : (2006) 1 RLW 700 : (2006) 1 WLC 647

Hon'ble Judges : Shiv Kumar Sharma, J; Harbans Lal, J

Bench : Division Bench

Advocate : Sanjeev Prakash Sharma, for the Appellant; S.N. Gupta, Dy. Govt. Advocate, for the Respondent

Final Decision : Allowed

Judgement

Shiv Kumar Sharma

1. The order of learned Single Bench whereby it declined to declare the appellant as semi permanent, is under challenge in the instant appeal.

2. Contextual facts depict that the appellant being Post Graduate in Arts and Diploma holder in Computer Programming, was initially appointed on job work basis against a vacant post of Computer Operator on a fix salary Rs. 1200/- per month, thereafter fix salary of Rs. 2000/- per month was granted to her. The prayer of the appellant in the writ petition was that since she had continuously worked from 1994 to December 1997 she was entitled to semi permanent status as was granted to similarly situated employee viz. Rajesh Singhal. The respondents in their reply however averred that Rajesh Singhal, Ashok Mittal and Vinod Singh were engaged on daily wage basis, while the appellant was appointed on contract basis, therefore the cases of the appellant was distinguishable with that of Rajesh Singhal, Alok Mittal and Vinod Singh. Agreeing with the reply of respondents learned Single Judge dismissed the writ petition of the appellant.

3. We have pondered over the rival submissions and carefully weighed the case law cited before us.

4. Undeniably, the appellant completed more than two years in service as daily wager and as per Rule 6 of Rajasthan Computer State and Subordinate Service Rules, 1992 she being Graduate possessed all the qualification for appointment on the post of Computer Operator. Learned Single Judge allowed the writ petitions of Vinod Singh v. State of Rajasthan 1997 WLC 84 and Alok Mittal v. State of Rajasthan 1997 WLC 53 holding that they had completed two years of service as daily wager and they were entitled to semi permanent status in view of Rule 33 of Rajasthan Work Charge Service Rules, 1964. Vinod Singh and Alok Mittal were brought on the regular pay scale from the period they had completed two years of service.

5. Having closely scrutinised the material on record, we are of the view that the appellant after completion of two years of service, was entitled to semi permanent status. The case of appellant, in our opinion, is not distinguishable with that of the cases of Vinod Singh and Alok Mittal.

6. We, therefore, allow the instant appeal and set aside the order dated March 30, 2001 of learned Single Judge. We direct the respondents to declare the appellant as semi permanent from the date when she had completed two years of service. The appellant shall be entitled to similar benefits as have been provided to Vinod Singh and Alok Mittal. She would be brought on the regular pay scale from the period when she had completed two years of service, so that she would be put at par with other employees similarly situated. The respondents shall ensure compliance of the order within sixty days from the date of receipt of copy of this order. Full arrears shall be paid to the appellant within the stipulated time, failing which the appellant shall be entitled to the interest at rate of 9% per annum on the amount due. There shall be no order as to costs.