
(2006) 08 RAJ CK 0009
In the Rajasthan High Court

Mohan Lal Verma and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 02-08-2006

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2007) 2 RLW 1474 : (2006) 4 WLC 400

Hon'ble Judges : K.S. Rathore, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K.S. Rathore, J.—This joint writ petition is filed by the petitioners who are the employees of the Rajasthan Gram Dan Board.

2. The grievance of the petitioners relates to anomaly in the pay scale. The petitioners are working on the various posts such as Office Assistant and Typist etc. The petitioners to establish their right are comparing the service conditions with that of Khadi and Village Industries Board and to point out the discrepancy, a comparative chart regarding pay scale is given in Annexure-3. The petitioners in para No. 11 and 12 categorically stated that the pay scale of the employees of the Rajasthan Gram Dan Board are far less than the pay scale of the employees of the State of Rajasthan or employees of Rajasthan Khadi and Village Industries Board although the employees of the non petitioners are discharging the similar work.

3. And thus, being violative of the provisions of Article 14 and discriminatory and arbitrary not to put at par the employees of the non petitioners with the employees of the State of Rajasthan as well as Rajasthan Khadi and Village Industries Board, therefore this writ petition.

4. The State of Rajasthan has enacted the Rajasthan Gram Dan Act, 1971 repelling the Rajasthan Gram Dan Act, 1960, Although the Gram Dan and Khadi Board is regulated by different set of the Act but the duty discharged by the

employees of the Gram Dan and and the Khadi Board are identical in nature but there is discrepancy in the pay scale.

5. The Rajasthan Khadi and Village Industries Board Act, 1955 enacted by the State Legislature of Rajasthan in the Sixth Year of the Republic of India and came into force with effect from April, 1955. Whereas the Rajasthan Gram dan Act, 1971 after repelling the earlier Act, 1960 received the assent of the President on the 3rd day of August, 1971 and came into force at once and enacted by the Rajasthan State Legislature in the Twenty second year of the Republic of India.

6. Section 20 and 21 of Chapter 4 of the Khadi and Village Industries Board Act, 1955 deals with the pay and service conditions of Secretary and other officers and servants. According to Sub-section (1) of Section 21, the pay and other conditions of service of the Secretary to the Board and the financial adviser thereto shall be such as may be fixed by the State Government. Sub-section 2 provides that the pay and other conditions of service of other officers and servants of the Board shall be such, as may be determined by the Board regulations.

7. Section 26 provides fund of the Board by which (1) The Board shall have its own fund and the all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom.

8. Section 29 provides for Budget by which the Board shall, on such date as may be prescribed, prepared and submit to the State Government in the prescribed form the budget for the next financial year, showing the estimated receipts and expenditure on capital and revenue accounts according to the programme and schedule of the staff sanctioned by the State Government. And as per Section 38 the power vests with the Board to make regulation. The Board may, with the previous sanction of the State Government, make regulations consistent with this Act and the rules made thereunder:

9. I have also carefully perused the provisions of Rajasthan Gram Dan Act and the Khadi and Village Industries.Board Act, 1955. It appears that the Gram Dan Board was constituted to promote the Gram Dan movement in Rajasthan and for that purpose to train workers for implementing the aims and objects of this Act and assign them to Gramdan village; to guide the Gram Sabhas in the proper discharge of their duties; to study and evaluate general experience in the development of Gramdan villages and to expedite legal and other formalities in connection with Gramdan villages. The Gramdan Board shall also perform such duties as may be assigned to it under the provisions of this Act.

10. Chapter IV deals with the Constitution and working of Gram Sabha and Chapter V deals with powers and functions of Gram Sabha. And as per Chapter 6 Gram Nidhi is provided and Section 24 of this Chapter provides that there shall be in each Gramdan village a fund, which shall be called the Gram Nidhi And as per Section 2 f Section 34 all sums and money received by the gram Sabha including the profits of any cultivation or any enterprise undertaken by it and the

rent fee or other charges charged or imposed on persons to whom lands are leased under this Act; all sums received by way of loans from any person, institution or Government; all sums received by way of grants, donations, gifts, bequests or contributions. And Section 35 gives power to borrow.

11. Upon bare perusal of these Acts it appears that both Acts are not similar in nature and as per the settled propositions of law it is the domain of the State legislature to enact the Act and pay and salaries are fixed as per the individual Act; in such circumstances, the petitioner services cannot be compared with as rendered by the employees of the Rajasthan Khadi and Gram Village Industries and parity cannot be claimed and as such similar relief cannot be extended in favour of the petitioners.

12. Consequently, the writ petition fails being devoid of merit and same is hereby dismissed.