
(2019) 03 RAJ CK 0166
In the Rajasthan High Court
Case No : Civil Writ No. 18565 Of 2018

Om Prakash Sharma

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 14-03-2019

Acts Referred:

Citation : (2019) 03 RAJ CK 0166

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : CVS Shekhawat, Ashok Bishnoi, Kailash Choudhary, Manish Vyas

Final Decision : Allowed

Judgement

It is submitted by learned counsel for the petitioner that the present writ petition is squarely covered by the Division Bench judgment of this Court in Govind Dan Charan v. State of Rajasthan & Ors.: D.B. Civil Special Appeal (Writ) No.1068/2014 decided on 17.12.2015, against which Special Leave Petition filed by the State has also been dismissed by the Hon'ble Supreme Court vide order dated 12.7.2016 and therefore, the writ petition be allowed and the petitioner be granted relief as granted in the case of Govind Dan Charan (supra).

Learned counsel for the respondent-State submits that though the issue raised in the present writ petition is squarely covered by the judgment of this Court in the case of Govind Dan Charan (supra), however, it is submitted that as the petitioner has raised the issue belatedly, the material relief to him be restricted.

Reliance has been placed in the judgment of Hon'ble Supreme Court Union of India & Ors. v. Tarsem Singh : (2008) 8 SCC 648.

In so far as the relief being claimed by the petitioner is concerned, there is no dispute that the same is governed by the law laid down by this Court in the case of Govind Dan Charan (supra).

In so far as the plea raised by the respondents is concerned, a Co-ordinate

Bench of this Court in Ramchandra Sharma v. The State of Rajasthan & Ors.: SBCWP No.11254/2016 decided on 7.10.2016 dealing with another writ petition of identical nature after noticing the submissions of learned counsel for the respondents held as under:-

"A perusal of the judgment rendered by the Apex Court in the case of Union of India (supra) shows that the same does not apply to the facts of the present case. In the present case, no third party rights have been affected. It pertains to a financial loss which is a continuing injury to the petitioners.

It is apparent that in the case of Govind Dan Charan, the order has been passed on 17th December, 2015 and the orders passed in identical matters have already been implemented by the Department in the connected writ petitions."

In view thereof, the submissions made by learned counsel appearing for the respondents regarding restricting the relief to the petitioner cannot be countenanced.

Accordingly, the writ petition filed by the petitioner is allowed and it is directed that the petitioner would be entitled to selection grade and get fixation in the pay-scale of Rs.975-1720, 1200-2050 and 1640-2900 (5500-9000) on completion of 9, 18 & 27 years of service respectively in terms of the judgment in the case of State of Rajasthan v. Jagdish Narain Chaturvedi : (2009) 12 SCC 49 i.e. from the date of regular appointment.

The required exercise would be completed by the respondents within a period of three months from the date of this judgment.