

(2014) 05 RAJ CK 0217
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4888/2014

Pramod Kumar Sharma

APPELLANT

Vs

Director, Elementary Education, Rajasthan, Bikaner and
Others

RESPONDENT

Date of Decision : 02-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0217

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Advocate : Mahendra Singh Gurjar, Counsel, Advocate for the Appellant

Final Decision : Disposed Off

Judgement

Mohammad Rafiq, J.—Petitioner is aggrieved by denial of selection scales counting his services from the date of initial appointment i.e. 28.06.1985, this is more so when his services were regularized from the date of initial appointment. The respondents are counting his services from the date of order of regularization i.e. 18.07.1989. Accordingly, the action of respondents denying him selection scales on completion of 9, 18 and 27 years of service by not counting his services from the date of initial appointment, be declared illegal.

2. Learned counsel for petitioner, in support of the case, has relied on judgment dated 30.03.2013 of a coordinate bench of this court delivered in a bunch of writ petitions leading one being S.B. Civil Writ Petition No. 2989/2013 - Ramniwas Nimoria and Another Vs. State of Rajasthan and Others, and submits that present case is squarely covered thereby. Operative part of said judgment reads thus:

In the background aforesaid, date of regularization of petitioner's service is from the date of their initial appointment itself.

In view of the discussion made above, petitioners are held entitled to selection scale by counting their length of service from the date of their initial

appointment. It is accordingly ordered. Consequential benefits for selection scale may accordingly be calculated and be granted within a period of three months.

3. The basis on which the aforesaid direction was given, was the order passed by the respondents themselves by which services of the petitioners therein were regularized from the date of their initial appointment, and therefore the court held the petitioners entitled to selection scales by counting their length of service from the date of their initial appointment.

4. It is contended that in the present case also the Development Officer, Panchayat Samiti, Udaipurwati, District Jhunjhunu, passed the order dated 18.07.1989 (Annexure-3), in which his name appeared at serial number 6, whereby his services were regularized from the date of joining i.e. 03.07.1985.

5. It is contended that the respondents have already complied with the judgment of this court in Ramniwas Nimoria, supra.

6. Having regard to the facts afore-stated, writ petition is disposed of requiring the petitioner to make representation to respondent no. 1 - the Director, Elementary Education, Rajasthan, Bikaner, along-with a copy of this order, who shall examine his case in the light of aforesaid judgment of this court in Ramniwas Nimoria, supra, and pass a reasoned speaking order thereon addressing his grievance, within a period of two months from the date the petitioner approaches him.