
(2007) 01 RAJ CK 0126
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1411 of 2004

Prem Prakash Solanki

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 12-01-2007

Acts Referred:

Citation : (2007) 3 WLN 312

Hon'ble Judges : H.R. Panwar, J

Bench : Single Bench

Judgement

H.R. Panwar, J.—Petitioner Prem Prakash Solanki addressed a letter to this Court raising his grievance with regard to grant of third selection grade. By order dt. 29.03.2004, the letter sent by the petitioner to this Court was treated as writ petition.

2. By the instant writ petition, the petitioner seeks a direction to the non-petitioners to grant him third selection grade on completion of 27 years of service w.e.f. 22.05.1994.

3. I have heard learned Counsel for the parties.

4. The petitioner came with a case that he was regularly appointed on the post of Junior Draughtsman w.e.f. 22.05.1967 along with similarly situated persons namely Srikrishan Bhawankhel and Indersingh Rathore. Originally, these two persons namely Srikrishan Bhawankhel and Indersingh Rathore and the petitioner were appointed on the recommendation of the Selection Committee vide order No. 163 EST/42/68/22 dt. 01.01.1969 issued by the Govt. of Rajasthan, Department of Irrigation, Jaipur on coming into force of Rajasthan Engineering Subordinate Service (Irrigation Branch) Rules 1967, w.e.f. 25.05.1966, 25.05.1966 and 27.05.1966 respectively, wherein their names appear at serial Nos. 108, 109 and 111 respectively. The petitioner has placed on record the order dt. 28.06.1978 issued by Chief Engineer, Irrigation, Rajasthan, Jaipur stating therein that on coming into Rules of 1967 w.e.f. 22.05.1967, the

services of Srikrishan Bhawankhel and other Junior Draughtsman have been considered to be regular from 22.05.1967. Thus, the petitioner is at par with the case of persons listed at serial Nos. 108 and 109 in the appointment order dt. 01.01.1969 noticed above. From the documents placed on record, it is established that the petitioner is regularly appointed Junior Draughtsman w.e.f. 22.05.1967 on coming into force of Rules of 1967. The petitioner has also placed on record the order by which the selection grade on completion of 27 years of service is granted to Indersingh whose name finds place at serial No. 109 in the list dt. 01.01.1969 w.e.f. 22.05.1994, similarly, the third selection grade has also been granted to Srikrishan Bhawankhel w.e.f. 22.05.1994 on completion of 27 years of service from the date of their regular appointment i.e. 22.05.1967. The petitioner, Srikrishan Bhawankhel and Indersingh are similarly situated persons as services of these persons have been considered to be regular w.e.f. 22.05.1967 and thus the petitioner completed 27 years of service on 22.5.1994. There is nothing on record to show that the services rendered by the petitioner for these 27 years have not been found satisfactory or there is any adverse remark to his service. This shows that the petitioner has rendered unblemished services for 27 years and according to learned Counsel for the petitioner, the petitioner is entitled for the third selection grade from the date the persons similarly situated to him namely Srikrishan Bhawankhel and Indersingh Rathore have been granted. The petitioner has also placed on record, office order issued by Chief Engineer, Irrigation Department, Jaipur on 13.04.1993 wherein at serial No.4 the name of the petitioner appears and the date of his regular appointment on the post of Junior Draughtsman has been shown as 22.05.1967. This shows from the undisputed documents filed on record by the petitioner that the initial date of regular appointment of the petitioner on the post of Junior Draughtsman is 22.05.1967 and therefore, the case of the petitioner is at par with that of two persons namely Srikrishan Bhawankhel and Inder Singh.

5. The non-petitioners filed a reply and in para 4 of the reply, it has been stated that the petitioner was granted selection grade on completion of 18 years of service treating him to be appointed on regular basis from 22.05.1967 vide order dt. 13.4.1993 referred herein above. This clearly goes to show that for the purpose of grant of selection grade, the petitioner's regular service has to be counted from 22.05.1967 as admitted by the non-petitioners while granting him the second selection grade and on 22.05.1994 he completed 27 years of service and therefore, he is entitled for the third selection grade w.e.f. 22.05.1994. In this view of the matter, the writ petition deserves to be allowed.

6. In the result, the writ petition is allowed. The respondents are directed to grant third selection grade to the petitioner w.e.f. 22.05.1994 and pay arrears and any other benefits arising out of such grant of selection grade within three months from the date of receipt of certified copy of this order. There shall be no order as to costs.