
(2009) 02 RAJ CK 0142
In the Rajasthan High Court

Rajendra Kumar Rakhecha

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 25-02-2009

Acts Referred:

Citation : (2009) 3 WLN 55

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Judgement

Govind Mathur, J.—On availability of vacancies of Junior Engineer (Civil) in Water Shed Development Project with Panchayat Samiti, Raipur, the petitioner submitted an application and he was called for to face interview for appointment on the post aforesaid on 25.07.1995. On being selected as such, the petitioner submitted a Joining Report on 01.08.1995. As per the petitioner, he was required to be fixed in the pay scale of Rs. 1400-2600, however, the same was not done and an instruction was given to the petitioner to execute a service contract for appointment. Being aggrieved by the same, this petition for writ was filed.

2. By an interim order dt. 11.04.1997, certified copy of which is shown to me by the learned Counsel for the petitioner and is also placed on record due to non-availability of the record of stay application, the respondents were directed to allow appointment to the petitioner subject to the condition that he executes a service agreement. It is stated by learned Counsel for the petitioner that in pursuant to the order aforesaid, the petitioner executed the service contract and accordingly he was employed and presently too he is working with Panchayat Samiti in Water Shed Project on contract basis. As a matter of fact, the joining of the petitioner in service after executing the agreement, the cause sought to be agitated virtually has become infructuous. Be that as it may, it is not in dispute that the petitioner was appointed under a Project and not in Panchayat Samiti service created under any Statutory provisions. The service condition of the petitioner, therefore, are required to be governed as per the Scheme in which he is working.

3. Accordingly, the petition for writ is disposed of with a direction to the respondents to allow all benefits including pay to the petitioner as per the provisions of the Scheme in which he is working. No order to cost.