
(2009) 05 RAJ CK 0009
In the Rajasthan High Court

Ram Gopal Verma

APPELLANT

Vs

The State of Rajasthan and Another

RESPONDENT

Date of Decision : 28-05-2009

Acts Referred:

Citation : (2009) 3 WLN 174

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Judgement

Narendra Kumar Jain, J.—At the request of learned Counsel for the parties, the arguments were heard and writ petition is being disposed of finally.

2. The petitioner preferred this writ petition with a prayer that respondents be directed to consider the case of the petitioner and to appoint him on the post of P.T.I. Grade-III from the date his junior person namely Surendra Kumar Kasba has been appointed.

3. A notice to show cause was given to the respondents and in response thereto they have filed reply to the writ petition, wherein it has been stated that petitioner has been appointed on the post P.T.I. Grade-III vide order dt. 29.03.2004 (Annexure-R/1). 4. In view of appointment order (Annexure-R/1), the learned Counsel for the petitioner restricted his argument to the extent that he should be given the benefit of seniority for the date his junior person Surendra Kumar Kasba was appointed on the said post. He referred Annexure-2, the appointment order of Surendra Kumar Kasba, whose name appears at Sr. No. 6 and in column No. 6 his percentage has been mentioned 83.66%. From Annexure-R/1, the percentage of petitioner has been shown in column No. 6 as 83.69%. 5. From the above facts, it is clear that the petitioner was more meritorious than Surendra Kumar Kasba, who was appointed vide order dt. 08.09.2003 (Annexure-2).

6. The learned Counsel for the petitioner submits that petitioner will not claim any arrears of salary or other allowances, but at-least his seniority may be

maintained.

7. The learned Counsel for the State has not seriously opposed the reasonable prayer of the petitioner, as contended above.

8. After considering the submissions of learned Counsel for the parties and all the facts and circumstances, the writ petition is partly allowed and it is directed that the petitioner will be appointed from the date, a less meritorious person was appointed and he will be assigned the seniority on the post of P.T.I. Grade-III above Shri Surendra Kumar Kasba, whose name has been mentioned at Sr. No. 6 (merit No. 33) in the order dt. 08.09. 2003 at appropriate place looking to the merit of the petitioner. However, the petitioner will not be entitled to any arrears of salary or other allowances as agreed by him and on the principle "no work no pay".

9. The parties are directed to bear their own costs.

10. In view of above, the stay application, filed therewith, does not survive and the same also stands disposed of.