
(2013) 04 RAJ CK 0052
In the Rajasthan High Court
Case No : Civil Writ Petition No. 67 of 2013

Ram Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 02-04-2013

Acts Referred:

Citation : (2013) 3 WLN 46

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : C.S. Bissa, for the Appellant; Vimal Mathur, for the Respondent

Final Decision : Disposed Off

Judgement

Vijay Bishnoi, J.—The matter pertains to grant of appropriate selection grades to the petitioner as per Government order dated 25.01.1992. It is stated by the learned counsel for the petitioner that in pursuance of order dated 25.01.1992 passed by the State Government for granting selection scale, the petitioner was entitled to be fixed on the pay scale of Foreman-I as held by this Court in S.B.C.W.P. No. 3631/2008 (Sohan Lal Mathur vs. State of Rajasthan & Ors.) decided on 17.11.2008, wherein this Court while deciding identical controversy held that the pay scales applicable for the posts of Fitter-I and Foreman-II are same, therefore, as per para 5 of the Government notifications dated 25.01.1992 and 17.02.1998, the employee was required to receive the next higher pay. Learned counsel for the petitioner further argued that in the present matter the pay scale of Pump Driver-I and Foreman-II are same and, therefore, as per para 5 of the Government notification dated 25.11.1992, the petitioner was entitled to receive second selection grade of Rs. 1400-2600 instead of Rs. 1200-2050.

2. Mr. Vimal Mathur accepts notice on behalf of respondents and agreed that the controversy involved in this petition is squarely covered by the decision dated 17.11.2008 rendered in S.B.C.W.P. No. 3631/2008 (Sohan Lal Mathur vs. State of Rajasthan & Ors.) decided on 17th Nov., 2008 but prayed for time to file reply

to the writ petition.

3. The judgment passed by this Court in Sohan Lal Mathur's case (supra) was challenged by the State Government before the Division Bench of this Court by way of D.B. Special Appeal (Writ) No. 607/2010 and the Division Bench vide judgment dated 19.5.2011 dismissed the same and confirmed the judgment dated 17.11.2008 passed in Sohan Lal Mathur's case (Supra). In a similar matter, a SLP (being SLP No. 6138/2010) was also preferred on behalf of the State Government before the Hon''ble Apex Court, which came to be dismissed vide order dated 26.4.2010, however, the Hon''ble Apex Court vide order dated 26.4.2010 dismissed the same.

4. In view of above situation, this Court feels that when the matter is squarely covered by the decisions rendered by this Court as well as of Hon''ble Apex Court, there is no need to wait for reply of the State Government and, therefore, the writ petition preferred by the petitioner is disposed of in terms of the judgment dated 17.11.2008 passed by this Court in S.B.C.W.P. No. 3631/2008 (Sohan Lal Mathur vs. State of Rajasthan and & Ors.). It is ordered that the petitioner is declared entitled for getting pay scale of Rs. 1400-2600 (5000-8000) on completion of 18 years of service as second selection grade and pay scale of Rs. 5500-9000 on completion of 27 years of service as third selection grade. The entitlement as declared above is required to be executed by the respondents within a period of six months from today. There shall be no order as to costs.