

(2009) 05 RAJ CK 0063
In the Rajasthan High Court

Ram Swaroop Mewada

APPELLANT

Vs

Rajasthan and Others

RESPONDENT

Date of Decision : 08-05-2009

Acts Referred:

Citation : (2009) 05 RAJ CK 0063

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 final arguments in the writ petition were heard and the same is being disposed of.

2. The petitioner has preferred this writ petition pleading therein that he was appointed as Time-keeper on 16th March, 1979 under the work-charged rules in the Irrigation Department, where he was declared surplus with effect from 1st November, 1989 and he was sent to Panchayati Raj Department, where he got training and absorbed. The petitioner was entitled for first selection scale on completing 9 years of service in the year 1988 and second selection scale on completing 18 years of service in the year 1987, but he was not granted the same. It is further contended that the persons junior to the petitioner namely Krishan Dave, Nathu Lal Suman, Mohan Lal were given the benefit of selection scale ignoring the claim of the petitioner, therefore, the respondents be directed to grant the first and second selection scale to the petitioner.

3. A notice to show cause was issued to the respondents and in response thereto, they have filed their reply to the writ petition, wherein it is contended that in the service record of the petitioner, his educational qualification has been shown as intermediate. The certificate of the said examination is not available in his personal file nor his educational qualification is verified. The complaint was received in respect of his educational qualification, upon which the petitioner was asked to submit his certificates, but the petitioner did not provide the same and informed that he is IXth standard pass. The educational qualification of the petitioner was enquired into by the Panchayati Raj Department and vide letter

No. 3211 dated 20th August, 1999 directions have been received not to grant him the benefit of selection scale of the Gram Sevak-cum-Secretary and thus, for want of the verification of his educational qualification in the service record, the selection scale of the post of Gram Sevak-cum-Secretary has not been granted to him.

4. From the pleadings of the parties, it appears that the petitioner was denied the selection scale by Panchayati Raj Department vide order dated 20th August, 1999. The petitioner has not referred anything about the order dated 20th August, 1999, whereby he was denied the selection scale nor any prayer has been made in the writ petition to quash the same. However, from Annexures-1 and 2 annexed with the writ petition, it is clear that the petitioner challenged the order dated 20th August, 1999 by way of representation dated 5th March, 2000 to Panchayat Raj Minister (Annexure-1) and representation dated 9th August, 2001 before Deputy Secretary to Government, Rajasthan, Jaipur (Annexure-2). The petitioner has not pleaded as to what happened to his representations (Annexures-1 and 2), but during the course of arguments, the learned Counsel for the petitioner contended that his representations have not been decided so far. He further contended that educational qualification was not relevant at all for the purpose of grant of selections scale. The petitioner continuously served for more than 18 years has not been disputed by the respondents in their reply also. In these circumstances, he should have been granted the selection scale, as prayed in the writ petition.

5. The order dated 20th August, 1999 has not been placed on record either by the petitioner or by the respondents nor any order has been placed on record by the respondents showing that representations (Annexures-1 and 2) filed by the petitioner have been disposed of. In these circumstances, I think it fit and proper that ends of justice will meet in case the respondents are directed to decide the representations of the petitioner dated 5th March, 2000 and 9th August, 2001 (Annexures-1 and 2).

6. Consequently, the writ petition is disposed of with a direction to the Secretary to the Panchayati Raj Department, Government of Rajasthan, Secretariat, Jaipur to decide the representations of the petitioner forthwith by speaking order. The petitioner will again furnish an extra copy of the representations submitted by him earlier to the concerned Secretary. In case the representations are filed by the petitioner alongwith the copy of this order, then the respondent-Secretary is directed to decide the same by speaking order within a period of three months from the date of receipt thereof under intimation to the petitioner.

7. The cost is made easy.