

(2018) 05 RAJ CK 0259

In the Rajasthan High Court

Case No : Civil Writs No. 9866, 3249 of 2018, 24051 of 2017

Ramji Lal Saini @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 23-05-2018

Acts Referred:

Citation : (2018) 05 RAJ CK 0259

Hon'ble Judges : ASHOK KUMAR GAUR, J

Bench : Single Bench

Advocate : Mansingh Saini, InderLal Saini, Jugal Kishore Sharma

Final Decision : Allowed

Judgement

Petitioners are present in person and they have sought permission to make submissions on behalf of all the petitioners.

This Court had directed on 10th May, 2018, to the counsel for the petitioners to serve copy of the writ petition in the office of Mr. J.M. Saxena, AAG,

who appears on behalf of PHED Department in other cases and the case was fixed on 14th May, 2018.Â This Court on 14th May, 2018, had

directed Deputy Government Counsel to accept notices on behalf of the respondents and time was sought on their behalf to file reply and the case

was fixed on 23rd May, 2018.

The petitioners have prayed in the writ petition that they are entitled for selection grade on completion of 18 years of service in the pay scale of Rs.

5,000-8,000/- and not the pay scale of Rs. 4000-6000/- as given to them.Â The petitioners who were present in person have also produced copy of

the order dt. 29th January, 2018, by this Court in S.B. Civil Writ Petition No. 183/2018 (Roop Narayan Saini Vs. State of Rajasthan and Ors.).Â This

Court in the case of Roop Narayan Saini (supra) has held as under:-

â??Counsel for the petitioner has submitted that the controversy with regard to

grant of pay scale of Rs. 1400-2600 (Rs. 5000-8000) as Second

selection grade on completion of 18 years of service and the pay scale of Rs. 5500-9000 on completion of 27 years of service and the third selection

grade has been settled by this Court in respect of employees-helpers working in the Engineering Sub-ordinate services.Â Counsel submits that this

Court in S.B. Civil Writ Petition No. 14456/ 2016 (Mithu Lal Teli Vs. State of Rajasthan & Ors) and Other connected petitions while deciding the

case by order dt. 16th February, 2017 had further observed that the controversy with regard to grant of selection grade has been finally settled and

employees are entitled for grant of scale of completion of 18 & 27 years of service. The Employer-Respondent-State has to treat the judgment in

REM and employees similarly situated should not be asked to approach this court by filing separate writ petitions.

This Court had directed Mr. Saurabh Saraswat, counsel for the Department, to accept notices and to appear on behalf of the respondents.Â Mr.

Saurabh Saraswat is not present in the Court today.Â

This Court has categorically held that the petitioner and other similarly situated persons are entitled for getting the pay scale of Rs. 1400-2600 (Rs.

5,000-8,000) as Second Selection Grade on completion of 18 years of service and the pay scale of Rs. (5,500-9,000) on completion of 27 years of

service as the Third Selection Grade.

This Court finds that earlier directions of this Court given in the case of Mithu Lal (Supra) is not being followed by the Employer-State and all the

persons who were earlier working or their entitlement being crystallized are forced to approach this court by filing separate writ petitions.Â The Court

finds that once issue of grant of selection grade has been settled by the Apex Court, the department is under an obligation to grant similar benefits to

all the similarly situated persons.

Accordingly, the present writ petition is allowed and the respondents are directed to grant benefit of pay scale of Rs. 14,00-2600 (Rs. 5,000-8,000) to

the petitioner as next Selection grade on completion of 18 years of service.Â The said benefit may be conferred by the respondents within a period of

six weeks from the date of passing of this order.â??

The respondents are bound to consider the grievance of the petitioners in view of the law settled by this Court and petitioners are held entitled for

grant of selection grade on completion of 18 years in the pay scale of Rs. 5,000-8,000/- as second selection grade on completion of 18 years of service.

This Court is not assisted by any person on behalf of the respondents and as such looking to the controversy, which is already settled, this Court has no option except to allow this writ petition.

Accordingly, the present writ petition stands allowed and the respondents are directed to grant benefit of Rs. 5,000-8,000/- to the petitioners as second selection grade on completion of 18 years of service.Â The said benefit may be conferred by the respondents within a period of six weeks from the date of passing of this order.