
(2000) 05 RAJ CK 0009
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4926 of 1999

R.C. Shrimall

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 22-05-2000

Acts Referred:

Citation : (2000) 2 WLN 359

Hon'ble Judges : P.P. Naolekar, J

Bench : Single Bench

Judgement

P.P. Naolekar, J.—The petitioner was appointed on the post of Mining Mate. Grade II in the pay scale of Rs. 470-830. He joined his duty on 4.11.1977. The pay scale of the petitioner was revised from time to time and lastly, it was revised to Rs. 1400-2600 on 1.9.1988. The selection scale on completing service of 9-18 and 27 years was made admissible vide order dated 3.6.1994 w.e.f. 25.1.1992. The petitioner was not promoted during the period of 9 years of service and, thereafter, the period of 9 years of service and, thereafter, for further period of 18 years, he became entitled to selection scale in the pay scale of the next promotion post, on his completion of 9 years and 18 years of service. The petitioner was given pay scale of Rs. 1640-2900, on completion of 9 years of his service on the post of Assistant Mines Foreman. On his completing 18 years of service, he was granted pay scale of Rs. 2000-3200. Later on, an order has been issued on October 6, 1999, whereby the selection scale given to the petitioner of Rs. 1640-2000 and second selection scale of Rs. 2000-3200 was withdrawn and, instead thereof, he was granted first selection scale of Rs. 1400-2600 w.e.f. 25.1.1992 and second selection scale of Rs. 1640-2900 w.e.f. 14.11.1995. This was so done as, according to the respondents, under the Recruitment and Promotion Rules, the Mining Mate Grade II post which the petitioner was holding, was entitled to be promoted to the post of Mining Mate Grade I and, thereafter, second promotion was to the post of Assistant Mines Foreman and, thereafter, third promotion on the post of Mines Foreman, as the petitioner could have been granted the pay scale of Mining Mate Grade I on completion of 9 years service

and, thereafter, on the second promotional post of Assistant Mines Foreman on his completion of 18 years of service, the pay scale granted to the petitioner was not in accordance with law and, therefore, it was withdrawn.

2. A peculiar position has arisen in this case, in as much as the pay scale of Mining Mate Grade II and Mining Mate Grade I was same, i.e., Rs. 1400-2600 and, therefore, if the Circular is applied in the strict sense, the petitioner is not entitled to get the salary of the first promotional post, although he has completed 9 years of service. What he will get is only after completion of 18 years of service, when he shall be treated to be promoted to second higher post, i.e., Assistant Mines Foreman. In my opinion, that is not what the Circular means or intended to achieve, selection scale in the pay scale, is given for the reason that the man who could not be given promotion on a higher post for 9 years, at least should get a higher pay scale of the higher post and so on after 18 years and 27 years of service. But if the pay scale of the post the person is holding and the first promotional post are same, then he will not be getting any benefit under the Circular. Thus, the Circular cannot be interpreted in the fashion as not to give benefit of selection scale or pay scale of the next promotion post so as to deny him the higher scale. Normally, such situation does not arise because promotional post carried Higher pay scale but some how or the other, in this particular case, because the pay scale of Mining Mate Grade II is enhanced from time to time, but pay scale of Mining Mate Grade I remains static resulting in pay scale remains same on Mate Grade I or II posts. It is informed to the Court that petitioner was later on given promotion on the post of Assistant Mines Foreman.

3. Considering all the aspects, I am of the view that revised order passed on October 6, 1999 does not stand the test of true interpretation in law and the revised order is, thus, set aside. There shall, however, be no order as to costs.