
(1988) 11 RAJ CK 0003
In the Rajasthan High Court
Case No : Civil Writ Petition No. 573 of 1984

R.K. Sharma

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 03-11-1988

Acts Referred:

Citation : (1988) WLN 254(1)

Hon'ble Judges : J.S. Verma, C.J;Farooq Hasan, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The challenge made in this petition is to the validity of a part of Annexure 2, dated 15th December, 1969, which is an amendment made in the Rajasthan Civil Services (New Pay Scale) Rules 1969. In para 3 of Annexure 2, the new pay scales made effective retrospectively from 1-9-1969 for mechanics are Rs. 180-425 for Polytechnic diploma holder, and 130-300 for others. Petitioner contends that for work on the same post and performing the same duty, two different pay scales could not be provided and, therefore, all mechanics are entitled to the New Pay Scale of Rs. 180-425/-.

2. No reply to the writ petition has been filed on behalf of the State.

3. The same point relating to the same amendment of the Rules was decided in Writ Petition Nos. 95/83 Mohd. Sayeed v. State and 103/83 (Ramkripal Sharma v. State) on 30-9-1983, wherein it was held that all the persons falling in the category of mechanics were entitled to the New Pay Scale of Rs. 180-425/- with effect from 1-9-1958 under the Rajasthan Civil Services (New Pay Scales) Rules, 1969.

4. This petition must, therefore, be allowed following that decision.

5. Consequently, we allow this petition and direct the State Government that all the persone similarly Placed as mechanic should be fixed in the pay scale of Rs.

180 425/- with effect from 1-9-1968 under the Rajasthan Civil Services (New Pay Scales), Rules, 1969 and they should also be paid difference, if any, due to them on this basis. The State Government must ensure that this direction is equally applied to all such mechanics and the remaining persons should not be required to approach this Court for a similar direction for their benefit.

6. No costs.