
(2014) 02 RAJ CK 0006
In the Rajasthan High Court
Case No : Civil Special Appeal No. 619/2013

State of Rajasthan

APPELLANT

Vs

Jagdish

RESPONDENT

Date of Decision : 04-02-2014

Acts Referred:

Citation : (2014) 02 RAJ CK 0006

Hon'ble Judges : Govind Mathur, J; Atul Kumar Jain, J

Bench : Division Bench

Advocate : Pratistha Dave, Dy. Government Counsel, Advocate for the Appellant

Final Decision : Dismissed

Judgement

1. Being aggrieved by judgment dated 21.2.2013 passed by learned Single Judge in S.B. Civil Writ Petition No. 7620/2011 this special appeal is preferred. By the judgment impugned, the learned Single Judge directed the respondents to consider case of petitioner respondent for regularization of his service as Scavenger and also to allow him other pecuniary benefits including grant of regular pay scale.
2. The directions aforesaid were given by learned Single Judge by taking into consideration the law laid down by Hon''ble the Supreme Court in the case of Secretary, State of Karnataka Vs. Uma Devi [2004(4) SCC 1].
3. It is submitted by learned counsel for the appellant that the direction for regularization of the petitioner's service could not have been granted as appointment to him was not given by adhering the regular procedure required for making appointment on the post concern.
4. We do not find any merit in the argument advanced.
5. The respondent petitioner entered in the service of appellant Municipal Board on 13.10.1998. Appointment was accorded to him on a vacant post after availing necessary permission/approval from the authority competent and he is in

employment of the respondents from last more than 15 years. The Hon''ble Supreme Court in the case of Uma Devi (supra) while deprecating the practice of regularisation of the appointments made dehere the rules also held that if appointment is made against vacant and sanctioned posts and a person has worked for a considerable long span, then in that eventuality his case deserves for regularization of service.

6. As already stated, in the instant matter the petitioner respondent is in employment of appellant for the last more than 15 years and appointment was granted to him against a vacant post after obtaining necessary permission/ approval from the competent authority, as such, the direction given by learned Single Judge is in consonance with the law laid down by Hon''ble Supreme Court in the case of Uma Devi (supra).

7. The appeal is having no merit, thus, is dismissed.