

(2018) 07 RAJ CK 0021
In the Rajasthan High Court
Case No : Spl. Appl. Writ No. 983 of 2017

State Of Rajasthan @APPELLANT@Hash Bhiya Ram Vishnoi

Date of Decision : 04-07-2018

Acts Referred:

Citation : (2018) 07 RAJ CK 0021

Hon'ble Judges : PRADEEP NANDRAJOG, CJ; VINIT KUMAR MATHUR, J

Bench : Division Bench

Advocate : Dinesh Ojha, Prithvi Raj Singh, Varsha Bissa

Final Decision : Dismissed

Judgement

Civil Misc. Application No.515/2017:

1. For the reasons stated in the application delay in filing the appeal is condoned.

Special Appeal (Writ) No.983/2017:

1. The matter pertains to grant of selection scale benefit on completion of service of 9, 18, 27 years to the Junior Engineers. The respondent was

initially appointed as Junior Engineer on ad hoc basis w.e.f. 3rd May, 1997 but was later on regularised in service.

2. Learned counsel for the parties agree that the issue is squarely covered by the decision of this Court in Civil Special Appeal (Writ) No. 1118/2013

State of Rajasthan & Ors. vs. Kan Singh Ranawat. The same reads as under:-

â??Civil Misc. Application No.311/2013:

1. For the reasons stated in the application delay in filing the appeal is condoned.

2. The application is disposed of.

Special Appeal (Writ) No.1118/2013:

1. Heard learned counsel for the parties.

2. On 25th January, 1992 the State of Rajasthan issued a circular granting first, second and third selection scale benefit to its employees, who inspite of serving for 9, 18 & 27 years did not earn first, second and third promotion. Issue arose as to from what date service of the employees to compute 9, 18, 27 years would be calculated. Employees who had entered service as casual or ad-hoc employees but subsequently regularized in service claimed for benefit from the date of initial appointment and this Court took the view that they would be entitled to the benefit of service being reckoned from the date they join as temporary, ad-hoc and casual employees.
3. Pertaining to Engineers, a specific order was issued that ad-hoc service would be counted for purposes of service rendered i.e. for the purpose of grant of selection scale the period would be reckoned from the date of joining on ad-hoc basis.
4. On 8th May, 2009 deciding Civil Appeal No.3620/2009 State of Rajasthan vs. Jagdish Narayan Chaturvedi & Ors. the Supreme Court took the view that service has to be reckoned from the date the employees were made permanent.
5. Prior to the decision of the Supreme Court the State of Rajasthan has issued an office order on 17th February, 1998 clarifying that for purpose of selection scale benefit the service would be reckoned from the date the employees were made permanent or regularised.
6. With respect to the Engineers, as noted hereinabove, the department of Finance, Government of Rajasthan had clarified on 19.05.1997 that those who had rendered continuous service on ad-hoc basis and were regularised later would be entitled to the benefit of selection grade from the date of initial appointment.
7. Vide impugned decision dated 11th February, 2013, relief has been granted to the respondent who was appointed as a Junior Engineer on ad-hoc basis w.e.f. 27th January, 1997 but was later on regularised in service.
8. The appeal, alongwith 16 others appeals were initially allowed by the Division Bench of this Court on 25.03.2014 in view of the decision of the Supreme Court in Jagdish Narayan Chaturvedi's case. The impugned judgment was set aside.
9. The said order was recalled when it was pointed out that as regards the respondent, he was an Engineer and thus his case has to be decided in light

of the office order dated 25.01.1992 and the circular dated 19.05.1997.

10. Accordingly, we have heard learned counsel for the parties once again.

11. Pertaining to Engineer, the batch of two writ appeals, A Special Appeal (Writ) No.631/2017 State of Rajasthan through Secretary, Department of

Irrigation & Ors. vs. Hukum Singh & Anr. and Special Appeal (Writ) No.639/2017 State of Rajasthan vs. Raghunath Ram & Anr. was disposed of

on 14.09.2017 passing the following order:

1. Heard learned counsel for the appellants.

2. It is not in dispute that in terms of the Government orders dated 25.1.1992 and

21.10.1993 benefits of first, second and third selection grades for those holding isolated posts required the period 9, 18 and 27 years service

respectively to be computed from the date of initial appointment be it ad-hoc or temporary.

The language used in the office order dated 25.1.1992 is; "The admissibility of Selection Grade to Junior Engineer would be on completion of nine,

eighteen or twenty seven years of continuous service on the post of Junior Engineer." The department of Finance, Government of Rajasthan on

19.5.1997 clarified to the Chief Engineer of the Irrigation Department that those who were regularized later but had rendered continuous service on

ad-hoc basis from a prior date, would be entitled to selection grades from the date of initial appointment.

3. The respondent was appointed as Junior Engineer on ad-hoc basis on 8.3.1988 and became eligible for first selection grade only on 8.3.1997. The

appellants had relied upon an office order dated 17.2.1998 pleading that the same superseded the earlier office orders.

4. Learned Single Judge has held that the respondent's entitlement matured prior to the issuance of office order dated 17.2.1998.

5. Learned Single Judge has also noted that the appellants are selectively according benefits of selection scale to some engineers reckoning the date

from when they were initially appointed on ad-hoc basis and to others from the date of regular appointment.

6. We find no merit in the appeals. The reasoning of the learned Single Judge in favour of the respondent is correct.

7. The appeals are dismissed.

12. Petition seeking Special Leave to Appeal against said decision being SLP 9283/2018 has been dismissed by Supreme Court on 23.04.2018.

13. Under the circumstances the appeal is dismissed and the impugned order is sustained.â??

3. On the same reasoning the writ appeal is dismissed and the impugned order is sustained.