

(2012) 01 RAJ CK 0023

In the Rajasthan High Court

Case No : DBSpecial Appeal No. 1911 of 2011

Swami Keshvanand Rajasthan Agriculture University, Bikaner
and another

APPELLANT

Vs

Murlidhar Verma and Others

RESPONDENT

Date of Decision : 16-01-2012

Acts Referred:

Citation : (2012) 01 RAJ CK 0023

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The respondent petitioners are holding the post of Agriculture Supervisor with appellant University. By an order dated 4.7.1996 the University decided to allow selection grades to the Agriculture Supervisors (non-graduate) on completion of 9, 18 and 27 years of service in the pay scale of Rs.1640-2900, Rs.2000-3200 and Rs.2000-3500 respectively. The selection grades allowed were subject to objections, if any made by the Government of Rajasthan. The selection grades granted to the petitioner respondents were withdrawn by the University under an order dated 9.8.1996. The effected employees preferred petitions for writ before this Court and during pendency of those an another order was passed withdrawing the order dated 9.8.1996, thus, the petitions preferred came to be dismissed as becoming infructuous.

2. The board of management of the appellant University in its meeting dated 11.5.2001 resolved that there should be a distinction between the pay scales of Agriculture Supervisors having a base of agriculture studies and those who are not having such foundation. A decision was also taken to keep the pay scales of Agriculture Supervisors at par with their counter parts employed by the Government of Rajasthan. On basis of the resolution aforesaid the pay scales prescribed to the Agriculture Supervisors (non- agriculture base) were of Rs.4000-6000, Rs.5000-8000 and Rs.6500-10500 on completion of 9, 18 and 27

years of service respectively. A notice (Anx.12) then was issued by the Registrar of the appellant University mentioning therein that the State Government has objected the grant of pay scales of Rs.1640-2900, Rs.2000-3200 and Rs.2000-3500 on completion of 9, 18 and 27 years of service, therefore, the selection grades granted earlier requires withdrawal and further substitution by the pay scales of Rs.1400-2600, Rs.1640-2900 and Rs.2000-3200 on completion of 9, 18 and 27 years of service respectively. The respondent petitioners made an effort to explain the University that as per the Government of Rajasthan orders as adopted by the University, pay scale applicable to the promotional post is required to be given as selection grade, therefore, no pay scale less to that can be given on completion of 9, 18 and 27 years of service. It was also urged that under the relevant line of promotion the Agriculture Supervisors, irrespective of their qualification are having an avenue for promotion to the post of Assistant Agriculture Officer, therefore, the pay scale relating to that post is required to be given. The appellant University instead of passing any definite order reminded its intention again under a letter dated 6.1.2010. Being aggrieved by the same the respondent petitioners preferred petitions for writ. Petitions for writ so preferred came to be accepted by the judgment dated 12.7.2011, hence the University is in appeal before Division Bench.

3. It is submitted by counsel for the University that the respondent petitioners are presently not having promotion avenue, therefore, they are not entitled for any selection grades as allowed by learned Single Judge. It is further submitted that the University granted the selection grades subject to the objections, if any made by the State Government and the State Government objected the same, therefore, the intention depicted under the notices impugned is just and valid.

4. Per contra, while defending the judgment impugned, it is submitted by Shri Mukesh Vyas, counsel for the respondent petitioners that on 25.1.1992 the petitioners were having an avenue for promotion to the post of Assistant Agriculture Officer and, therefore, in view of the decision of the University dated 1.9.1996 to adopt the Government of Rajasthan notification dated 25.1.1992, the employees concerned are entitled to avail selection grade i.e. the pay scale applicable for the promotional post.

5. Heard counsel for the parties.

6. It is not in dispute that the appellant University adopted the Government of Rajasthan notification dated 25.1.1992 under an order dated 4.7.1996. The Government of Rajasthan notification clearly stipulates its application from the date of its issuance i.e. 25.1.1992. It is not at all in dispute that on 25.1.1992 the respondent petitioners were having an avenue for promotion to the post of Assistant Agriculture Officer irrespective of their qualification. The appellant University, thus, was required to consider cases of the respondent petitioners as that was existing on 25.1.1992. As already stated, on 25.1.1992 the petitioners were having an avenue for promotion to the post of Assistant Agriculture Officer, therefore, they were certainly entitled to avail the pay scale of that post as

selection grade on completion of 9, 18 and 27 years of service, as the case may be. Learned Single Judge, thus, has not committed any error while setting aside the notices impugned and also by directing the University to allow the selection grades by taking into consideration the promotion avenue as available on 25.1.1992.

7. The appeals, for the reasons mentioned above, are having no merit, hence dismissed.