

S.B. Civil Writ Petition No.1916/2004.

Date : 29.01.2005

**Hon'ble Mr. Justice R.P.Vyas**

Mr. S.N. Tiwari, Addl.G.A.for the State-petitioner.  
Mr. G.K. Vyas for respondents-appellant.

The instant petition has been filed by the State praying therein that by an appropriate writ, order or direction the impugned order dated 17.6.2003 (Annexure-2) passed by learned Rajasthan Civil Service Appellate Tribunal, Jaipur may be quashed and set aside and the order dated 24.4.2001 (Annexure-1) passed by the Commissioner, Colonisation, Bikaner may be maintained.

The brief facts giving rise to the instant petition are that respondent No.1 Ram Kumar Sharma filed an appeal before the Rajasthan Civil Services Appellate Tribunal, Jaipur (hereinafter referred to as 'the Tribunal') praying therein that the order dated 24.4.2001 qua the appellant(therein) may be quashed and the respondents may be restrained from effecting recovery from his salary in pursuance to the order dated 24.4.2001.

Learned Tribunal after hearing learned counsel for both the parties, passed the order dated 17.6.2003,

whereby it allowed the appeal of respondent No.1, quashed the order dated 24.4.2001 and maintained the order dated 6.4.1994, by which the III selection grade was granted to the respondent No.1.

Aggrieved against the order dated 17.6.2003 passed by the learned Tribunal, the petitioner-State has preferred the instant petition.

Learned counsel appearing on behalf of the respondents(appellant) submits that the controversy involved in the instant petition is squarely covered by the judgment rendered by the Larger Bench of this Court rendered in D.B. Civil Special Appeal No.58/2004 (The State of Rajasthan & Ors. Vs. Farooq Ahmed & 59 Ors.) decided on 7.10.2004 and following the above judgment, similar view has been taken by me in S.B. Civil Writ Petition No.4431/2004 (State of Rajasthan & Ors. Vs. Dhanwanti Dewani) decided on 18.01.2005, whereby the writ petition filed on behalf of the State of Rajasthan & Ors. has been dismissed.

This fact has not been controverted by learned Additional Government Advocate appearing on behalf of the State.

In this view of the matter the order dated

17.6.2003 quashed by the Tribunal, is justified. I do not find any reason to interfere with the order passed by the learned Tribunal in this regard.

The net out-come of the aforesaid discussion is that the instant writ petition lacks merit, it has no substance and the same is hereby dismissed. No order as to costs.

(R.P. Vyas), J.

vs