

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
BENCH AT JAIPUR
O R D E R

S. B. CIVIL WRIT PETITION NO. 3307/ 2003.

Ranjilal

vs.

State of Rajasthan & Anr.

Date of order : February 27, 2009.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri K. C. Sharma for the petitioner.

Shri Zakir Hussain, Additional Government
Counsel for the respondents.

BY THE COURT: -

This writ petition has been filed by the petitioner Ranjilal who is working as Cook in the Government Hostel Tonk of respondent - Social Welfare Department Tonk, respondent No. 2. The petitioner was appointed as such on 1/7/1987 and he is claiming his regularization on the said post w.e.f. 15/8/1996. The grievance of the petitioner is that respondents are not regularizing his services as a Cook w.e.f. 15/8/1996 when Scheme was launched.

Shri K. C. Sharma, learned counsel for the petitioner has relied on the judgment of Supreme Court dated 29/3/1996. By the said judgment, Supreme Court approved the scheme for regularization of part time

employee of the Social Welfare Department, according to which the employees who were working with the respondents on May, 1995 would be provided regular pay scale and will be regularized on 1/4/1998 in second phase. The case of the petitioner would be covered in the said phase because he was working on May, 1995 and completed two years service.

The respondents contested the claim of the petitioner. Shri Zakir Hussain, Learned Additional Government Counsel could not rebut the claim of the petitioner.

Perusal of the order of Supreme Court would show that the case of the petitioner is covered even in the first phase because case of such part time employees who were working on May, 1995 were held entitled to regular pay scale and regularization on 1st April, 1998. Contention that name of the petitioner was not included in the list submitted before the Supreme Court cannot be accepted because at the relevant point of time when the judgment was passed by Supreme Court on 29th March, 1996, even though the petitioner was in employment, despite this, his name was not illegally sent. Hence, in view of the judgment of Supreme Court dated 29/3/1996, he would be entitled to regular pay scale and regularization with consequential benefits.

The writ petition is allowed to the extent of benefit of regular pay scale and regularization with effect from 1st April, 1998 to the petitioner in terms of the Supreme Court observations.

Compliance of the judgment be made within three months from the date copy of this judgment is produced before the respondents.

(MOHAMMAD RAFIQ), J.

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