

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
BENCH AT JAI PUR.

O R D E R

- 1) S. B. CIVIL WRIT PETITION No. 3406/2004.
Ki shan Si ngh Vs. State of Rajasthan & Ors.
- 2) S. B. CIVIL WRIT PETITION No. 6426/2002.
Kanhayal al Vs. State of Rajasthan & Ors.
- 3) S. B. CIVIL WRIT PETITION No. 3328/2004.
Lal Chand Vs. State of Rajasthan & Ors.

Date of Order: - February 27, 2009.

HON'BLE MR. JUSTICE MOHAMMAD RAFI Q

Shri Amit Jindal and
Shri Prashant Sharma for the petitioners.
Shri Pradeep Kalwani, Additional Government
Counsel.

BY THE COURT:

These three writ petitions have been filed with the prayer to direct the respondents to grant the benefit of regularization and the benefit of Selection Grade to the petitioners and award all consequential benefits to them.

2) Petitioners Ki shan Si ngh, Kanhayal al and Lal Chand were initially appointed on 30/6/1990,

4/2/1998 and 11/9/1989, respectively on the post of Class-IV employee.

3) Shri Amit Jindal, Learned counsel for the petitioners submitted that pursuant to the similar judgment passed at Principal Seat at Jodhpur in SBCWP No. 1022/2003 (Yakub Khan Vs. State of Rajasthan) on 14/11/2003, Yakub Khan Class-IV employee working with the respondents was regularised in their services w.e.f. 4/5/1991, the date on which he was initially appointed.

4) Shri Pradeep Kalwania, Learned Additional Government Counsel opposed the writ petition and argued that appointment of the petitioners was made initially in the pay scale of Rs. 750-940 as a Class-IV employee. It is submitted that petitioners have been granted regular scale of pay from the date of their initial appointment and they have also been granted the benefit of selection scale in terms of the Circulars of the Government dates 25/1/1992 and 17/2/1998. It is also contended that petitioners from time to time being allowed the benefits of revised pay scales pursuant to the 6th Pay Commission 2008.

5) Shri Amit Jindal, Learned counsel for the petitioners rejoined and submitted that the coordinate Bench of this Court in Nathu Lal Vs. State

of Rajasthan & Ors. (SBCWP No. 3212/2004) decided on 8/5/2008 decided the similar controversy holding as under: -

"Looking to the fact discussed above, it becomes clear that petitioner has not only given benefit of reinstatement but also given regular pay scale as otherwise admissible to regular employee. It is otherwise fact that person similarly situated have already been regularised.

In view of above, since the petitioner is getting regular pay scale, the respondents may consider the case of the petitioner for regularisation after taking note that matter of other similarly placed employees, who's services have been regularised, the necessary exercise be undertaken within a period of three months from the date of receipt of copy of this order. It is made clear that if any adverse order is passed by the respondents, the petitioner would be at liberty to file fresh writ petition".

6) These writ petitions are disposed of with the direction that case of the petitioners shall be dealt with in the same manner in which directions have been issued in the case of **Nathu Lal** supra and appropriate orders be passed within three months from the date of receipt of copy of this order before the respondents.

There shall be no order as to costs.

(MOHAMMAD RAFI Q) J.

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