

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

O R D E R

S. B. CIVIL WRIT PETITION NO. 390/2010.

Mohd. Hani f

Versus

State of Rajasthan & Ors.

Date of Order: -

April 30, 2010.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Akhil Simlote for the petitioner.

BY THE COURT: -

Learned counsel for petitioner submits that controversy involved in this matter is squarely covered by judgment dated 20/11/2006 of this Court delivered at Principal Seat of this Court at Jodhpur in *S. B. Civil Writ Petition No. 4988/2002, Ram Ratan Chouhan Vs. State of Rajasthan*, in which the Court held as under:

"Upshot of the aforesaid discussion is that the writ petitions are allowed and the impugned notification dated 7th August, 1998 in so far as it seeks to take away and withdraw the accrued and vested rights of the petitioners by reducing their fixation in the pay scale of 7500-12000 to that of 8000-13500 w.e.f. 1st July, 1998 is declared ultra vires to Articles 14 and 16 of the Constitution of India and is accordingly quashed and set aside. The petitioners are held entitled to receive and continue to receive their salary in the pay scale of 8000-13500. Consequential recovery orders

passed in the case of the petitioners would also stand quashed and set aside and they would be entitled to refund of the amount, if already recovered together with interest @ 6% p.a. within a period of three months from the date of service of copy of the judgment. There shall be however no order as to costs."

The judgment in Ram Ratan Chouhan's case (supra) has been upheld by a Division Bench of this Court in *Special Appeal (Writ) No. 1565/2008 – The State of Rajasthan & Others Vs. Mool Singh, decided on 31/10/2008.*

Having regard to the fact situation that issue involved in present matter has already attained finality, therefore, instead of directly entertaining present writ petition, I require petitioner to make a suitable representation to respondent No. 2 – the Director, Secondary Education, Rajasthan, Bikaner, who shall pass appropriate order on such representation within a period of three months from the date of its making, in the light of judgments aforesaid of this Court.

Writ petition stands disposed of.

(MOHAMMAD RAFIQ), J.

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