

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

ORDER

S.B.CIVIL WRIT PETITION No.667/2014 and 70 connected writ petitions. (see schedule)

Raj Kumar
Vs.
Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors.

Date of Order: 30/01/2014

P R E S E N T

HON'BLE Dr. JUSTICE VINEET KOTHARI

Mr. L.K.Ramdhari, for the petitioners.
Mr. Ravi Bhansali, for the respondents.

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BY THE COURT:

1. The present set of writ petitions are being disposed of by this common order.

2. Both the learned counsels at Bar submitted that the controversy involved in the present writ petitions is covered by the decision of this Court in the case of Rajesh Sharma and ors.V/s RRVUN Ltd. and Ors.- SBCWP No.7208/2010 decided on 15.1.2014, in which this Court held as under:-

“2. The petitioners are ITI Trainees and have been working as Technical Assistants in respondent – Rajasthan Rajya Vidhyut Utpadan Nigam Ltd., Suratgarh (for short RRVUNL).

3. The facts are illustratively taken from SBCWP

No.7208/2010 – Rajesh Sharma and ors. V/s RRVUNL and ors.

4. The petitioner was initially appointed as ITI trainee vide order Annex.1 dtd.4.8.1997 on the monthly stipend of Rs.1000/- per month on purely temporary and adhoc basis. The terms and conditions of the said order indicate that upon successful completion of training period, they will be given pay scale No.3 and during the period of training also, they will be given HRA and Project allowance as admissible on the minimum of pay scale No.3. Though pay scale No.3 is not fully described in the said order, as per the record, it appears to be Rs.950-1680 at the relevant point of time.

5. Vide Anex.2 order No.305 dtd.15.12.2000, upon the successful completion of training, the petitioners were appointed on probation as Technician Grade II for a period of two years. By another order Annex.3 dtd.17.4.1998 issued by the then Rajasthan State Electricity Board (Finance and Rules Section), the pay scale of Technical employees was revised w.e.f. 1.9.1996 and pay scale No.3 of Rs.950-1680 was revised to the pay scale of Rs.3050-4590, whereas pay scale No.5 of Rs.1025-1800 was revised to Rs.3400-5200/-.

6. The petitioner claimed that pay scale No.3 of Rs.950-1680/- could not be revised downwards to Rs.3050-4590, as they were given Project Allowance on the minimum of pay scale of Rs.1025-1800/- which was the pay scale No.3 and was revised w.e.f. 1.9.1996 to

Rs.3400-5200/-.

*7. The learned counsel for the petitioners, Mr.Kuldeep Mathur, Mr. H.L. Chauhan and Mr. L.K. Ramdhari also urged that there was a settlement between the workmen and the respondents and also other similarly situated persons of Suratgarh Thermal Power Station in this regard and upon the matter reaching the Hon'ble Supreme Court in the case of **Chhagan Singh V/s Rajasthan State Electricity Board**, the Hon'ble Supreme Court vide order Annex.10 dtd.23.10.1989 had given similar relief of pay scale No.3 to the workmen. The said order of Hon'ble Supreme Court is quoted below:*

“Heard learned counsel for the parties. We are of the view that it would be appropriate to treat the petitioner at par with those who during the pendency of the W.Ps. In the High Court were allowed Scale No.3 with same qualification as the Petitioners possess. We accordingly direct that in each of these cases, the petitioner shall be given Scale No.3 and that Scale should be admitted from 1.11.1989. The same benefits should be available to others who are not before the Court if they have the same qualifications. The SLPs are disposed of.”

8. These factual aspects are strongly and vehemently refuted by the learned counsel for the respondents, Ravi Bhansali, who submitted relying upon various case laws, that it is in the domain of the employer to revise and fix the pay scale and the petitioners were never given the pay scale of Rs.1025-1800/- and since pay scale No.3 before their regular appointment, after successful completion of 3 years of

training in the year 2000 w.e.f. Order Annex.3 dtd.17.4.1998, the pay scale No.3 of Rs.950-1680/- stood revised to Rs.3050-4590/-, therefore, the petitioners were rightly given that pay scale only and there was no question of giving them the higher pay scale of Rs.3400-5200/-. However, he also submitted that now w.e.f. 1.7.2013, all the three pay scales have been merged and revised pay of Rs.5200-20200/- with grade pay of Rs.2400/- has been given to these technicians.

9. Having heard the learned counsels for the parties, this Court is of the opinion that the questions of facts, conferment of exact pay scale and fixation of pay deserves to be gone into by the respondent – employer and this Court under Article 226 cannot undertake this exercise. From the record, it appears that number of representations made by the petitioners to the respondents have remained unreplied and unresponded so far. Whether the petitioners were actually given the pay scale of Rs.1025-1800/- or not and whether the Project Allowance during their training period was also paid on the basis of this pay scale or not are the questions of facts which cannot be determined in writ jurisdiction. Admittedly, pay scale No.3 of Rs.950-1680 stood revised w.e.f. 1.9.1996 to 3050-4590, whereas the pay scale No.5 of Rs.1025-1800/- stood revised to Rs.3400-5200/-. Whether the petitioners who are undisputedly working as Technicians after completion of their training period of 3 years also deserve to be given the revised pay scale of Rs.3400-5200 or not is a

question yet to be determined by the respondents. It would be premature for this Court to do so at this stage.

10. The petitioners have been able to make out a prima facie case in view of fact that there has been some settlement between the parties vide Annex.4 dtd.27.3.1998 and also the Workmen who were ITI trained and who were appointed as Apprentice even prior to the petitioners and upon their regularisation, they got higher pay scale than the present petitioners. This situation has given rise to some anomaly in the pay scale to different sets of employees similarly situated in the present case.

11. Therefore, without going into these details and questions of facts, the matter deserves to be relegated back to the respondent – Corporation for deciding the individual representations of the petitioners or common representation to be made by the petitioners, which is to be represented by their authorised representatives. At the suggestion of the learned counsel for the parties, the Committee comprising of following persons is constituted for deciding the said representations of the petitioners:

- i) The Chairman cum Managing Director, Rajasthan Rajya Vidhyut Utpadan Nigam Ltd., Vidhyut Bhawan, Jaipur.*
- ii) The Director (Projects), Rajasthan Rajya Vidhyut Utpadan Nigam Ltd., Vidhyut Bhawan, Jaipur.*
- iii) The Director (Finance), Rajasthan Rajya Vidhyut Utpadan Nigam Ltd., Vidhyut Bhawan, Jaipur*
- iv) The Director (Technical), Rajasthan Rajya Vidhyut Utpadan Nigam Ltd., Vidhyut Bhawan, Jaipur*
- v) The Joint Director (Personnel), RRVUNL, Jaipur.*
- vi) The Chief Accounts Officer, Suratgarh Thermal*

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Power Station, Suratgarh – Secretary of the Committee.

12. The aforesaid Committee will give an opportunity of personal hearing to the authorized representative of the petitioners or individual petitioners as the case may be and will decide the aforesaid controversy of grant of pay scale and pay fixation to them by a speaking and reasoned order within a period of six months from today. If the petitioners are found entitled to the higher pay scale as claimed by them, the consequential benefits including the arrears may be paid to them immediately. However, if the representations are to be rejected by the said Committee, after affording an opportunity of hearing to them, the Committee shall pass a detailed speaking order in accordance with law and the same will be communicated to the petitioners. It is needless to say that if the petitioners are still aggrieved by the said order, they will be free to take appropriate legal remedy.

13. With the aforesaid observations, the present writ petitions are disposed of. No order as to costs. A copy of this order be sent to the parties concerned forthwith.”

4. The present writ petition are also disposed of in same terms. No order as to costs. A copy of this order be sent to the parties concerned forthwith.

(Dr. VINEET KOTHARI),J.

1. S.B.CIVIL WRIT PETITION No.1654/2012 - Abdul Menan Chauhan Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors.
2. S.B.CIVIL WRIT PETITION No.9460/2010 - Rang Pal Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors.
3. S.B.CIVIL WRIT PETITION No.11591/2010 - Des Raj Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
4. S.B.CIVIL WRIT PETITION No.11592/2010 - Suresh Kumar Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
5. S.B.CIVIL WRIT PETITION No.11593/2010 - Bhanwar Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
6. S.B.CIVIL WRIT PETITION No.11594/2010 - Suiresh Kumar Maherda Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
7. S.B.CIVIL WRIT PETITION No.11595/2010 - Sushil Kumar Verma Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
8. S.B.CIVIL WRIT PETITION No.11596/2010 - Prithvi Raj Janagal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
9. S.B.CIVIL WRIT PETITION No.11597/2010 - Gurucharan Singh Momi Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 10.S.B.CIVIL WRIT PETITION No.11598/2010 - Rakesh Kumar Godara Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 11.S.B.CIVIL WRIT PETITION No.11600/2010 - Jagdish Prasad Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 12.S.B.CIVIL WRIT PETITION No.11603/2010 - Mahendra Kumar Swami Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 13.S.B.CIVIL WRIT PETITION No.11614/2010 - Manpreet Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 14.S.B.CIVIL WRIT PETITION No.11615/2010 - Ram Lal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 15.S.B.CIVIL WRIT PETITION No.11616/2010 - Kishan Lal Verma Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 16.S.B.CIVIL WRIT PETITION No.11617/2010 - Balkaran Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

- 17.S.B.CIVIL WRIT PETITION No.11654/2010 - Avadesh Chobey Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 18.S.B.CIVIL WRIT PETITION No.11655/2010 - Manjeet Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 19.S.B.CIVIL WRIT PETITION No.11656/2010 - Mohan Lal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 20.S.B.CIVIL WRIT PETITION No.11657/2010 - Malloo Ram Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 21.S.B.CIVIL WRIT PETITION No.11658/2010 - Krishan Lal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 22.S.B.CIVIL WRIT PETITION No.11659/2010 - Atma Ram Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 23.S.B.CIVIL WRIT PETITION No.11660/2010 - Jagdish Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 24.S.B.CIVIL WRIT PETITION No.11661/2010 - Baldev Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 25.S.B.CIVIL WRIT PETITION No.11662/2010 - Mahendra Kumar Swami Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 26.S.B.CIVIL WRIT PETITION No.11663/2010 - Rajendra Choudhary Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 27.S.B.CIVIL WRIT PETITION No.11664/2010 - Balvindra Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 28.S.B.CIVIL WRIT PETITION No.11665/2010 - Pawan Kumar Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 29.S.B.CIVIL WRIT PETITION No.11666/2010 - Brij Mohan Jalay Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 30.S.B.CIVIL WRIT PETITION No.11667/2010 - Gurubaksh Singh Ramdhari Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 31.S.B.CIVIL WRIT PETITION No.11668/2010 - Nirmal Chand Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 32.S.B.CIVIL WRIT PETITION No.11669/2010 - Ram Chakrawarti Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

- 33.S.B.CIVIL WRIT PETITION No.11670/2010 - Surendra Kumar Punia Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 34.S.B.CIVIL WRIT PETITION No.11671/2010 - Sukhdeo Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 35.S.B.CIVIL WRIT PETITION No.11672/2010 - Gaurav Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 36.S.B.CIVIL WRIT PETITION No.11673/2010 - Narendra Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 37.S.B.CIVIL WRIT PETITION No.11674/2010 - Mahendra Giri Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 38.S.B.CIVIL WRIT PETITION No.11675/2010 - Mejar Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 39.S.B.CIVIL WRIT PETITION No.11676/2010 - Malkeet Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 40.S.B.CIVIL WRIT PETITION No.342/2012 - Amarjeet Singh Solanki Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 41.S.B.CIVIL WRIT PETITION No.344/2012 - Surendra Kumar Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 42.S.B.CIVIL WRIT PETITION No.682/2012 - Jasveer Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 43.S.B.CIVIL WRIT PETITION No.683/2012 - Krishan Lal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 44.S.B.CIVIL WRIT PETITION No.684/2012 - Shyam Singh Shekhawat Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 45.S.B.CIVIL WRIT PETITION No.685/2012 - Ashwini Kumar Kalia Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 46.S.B.CIVIL WRIT PETITION No.1651/2012 - Ram Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 47.S.B.CIVIL WRIT PETITION No.1652/2012 - Vijendra Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 48.S.B.CIVIL WRIT PETITION No.1653/2012 - Tajindra Pal Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors
- 49.S.B.CIVIL WRIT PETITION No.1655/2012 - Mukesh Kumar Vs.

Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

50.S.B.CIVIL WRIT PETITION No.1656/2012 - Naseeb Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

51.S.B.CIVIL WRIT PETITION No.1657/2012 - Madan Lal Swami Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

52.S.B.CIVIL WRIT PETITION No.1658/2012 - Bahadar Ram Charan Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

53.S.B.CIVIL WRIT PETITION No.1659/2012 - Ved Prakash Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

54.S.B.CIVIL WRIT PETITION No.1662/2012 - Sans Karan Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

55.S.B.CIVIL WRIT PETITION No.1666/2012 - Gurmit Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

56.S.B.CIVIL WRIT PETITION No.1668/2012 - Kishan Ram Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

57.S.B.CIVIL WRIT PETITION No.1669/2012 - Kalwant Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

58.S.B.CIVIL WRIT PETITION No.1685/2012 - Devi Lal Bishnoi Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

59.S.B.CIVIL WRIT PETITION No.1686/2012 - Vinod Kumar Mahar Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

60.S.B.CIVIL WRIT PETITION No.2341/2012 - Bhoop Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

61.S.B.CIVIL WRIT PETITION No.2569/2012 - Madan Lal Sevtia Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

62.S.B.CIVIL WRIT PETITION No.2914/2012 - Pat Ram Meghwal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

63.S.B.CIVIL WRIT PETITION No.5101/2012 - Devki Nandan Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

64.S.B.CIVIL WRIT PETITION No.5102/2012 - Brij Lal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

65.S.B.CIVIL WRIT PETITION No.607/2014 - Deen Dayal and anr. Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

66.S.B.CIVIL WRIT PETITION No.675/2014 - Jaipal Singh Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

67.S.B.CIVIL WRIT PETITION No.679/2014 - Vijay Kumar Sethi Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

68.S.B.CIVIL WRIT PETITION No.680/2014 - Shyamsunder Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

69.S.B.CIVIL WRIT PETITION No.681/2014 - Kalu Ram Khileri Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors

70.S.B.CIVIL WRIT PETITION No.700/2014 - Krishan Lal Vs. Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. and Ors