

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER



S.B.CIVIL WRIT PETITION NO.3567/2000

Amritlal Mehta.

Vs.

Rajasthan State Road Transport Corporation & Anr.

Date of order : 29.1.2015

HON'BLE MR.JUSTICE SANDEEP MEHTA

Mr.Anuj Kala, for the petitioner.

Mr.DP Dhaka, for the respondents.

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1. Heard learned counsel for the parties.
2. By way of the instant writ petition, the petitioner seeks a direction for resolution of anomaly in his pay scales.
3. Facts in brief are that the petitioner was initially appointed as a Artisan in the respondent Corporation in the year 1976. By order Ex.1 dated 1.12.1978, the petitioner was granted pay scale of Artisan with effect from 13.7.1976. Thereafter, applications were invited from amongst the employees of the Corporation for appointment to the posts of Computer. The aspirants

were required to undergo a written test for the purpose of such appointment. The petitioner appeared in the requisite examination on 24.8.1989 and a communication dated 10.8.1989 (Ex.3) was sent to him declaring him successful in the examination and was thereafter, appointed in the pay scale of Computer vide order Ex.4 dated 28.8.1989.

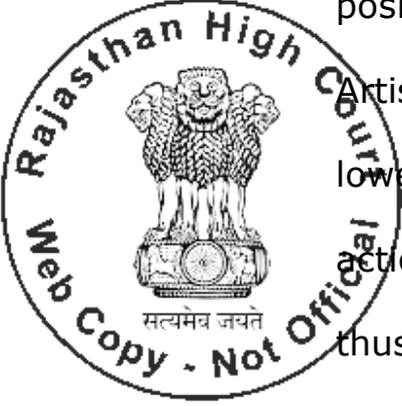


4. In the year 1992, in order to remove stagnation amongst Class-IV, Ministerial and Subordinate employees as well as the employees holding isolated posts, the State Government introduced a scheme for grant of selection scales to such employees upon their completing 9, 18 and 27 years of service. The petitioner has raised a grievance in the writ petition that though he was granted selection scale vide order Ex.6 dated 29.1.1999 but the pay scale which was given to the petitioner is lower than the pay scale which is being drawn by the Artisans Gr.I who were junior to the petitioner at the time of inception in service. To establish this fact, orders Ex.7 and 8 dated 25.6.1998 and 26.6.1998 have been placed on record as per which 2 Gr.-I Artisans namely, Hazi Mohd. Querishi and Ganesh Lal Sharma have been accorded pay scale of Rs.6900/- whereas the petitioner vide order Ex.6 dated

29.1.1999 has been given pay scale of Rs.6,000/- w.e.f.

2.9.1998.

5. Learned counsel for the petitioner submits that the position of a Computer is higher in cadre as compared to Artisan Gr.-I and yet, the petitioner has been awarded a lower pay scale than Artisans junior to him. As such, the action of the respondents is unjust and arbitrary and thus, the writ petition deserves to be accepted. In support of this contention, learned counsel places reliance on the judgment rendered by this Court in the case of **Babu Lal Arora. Vs. State of Rajasthan & Ors.** reported in **WLR 1997 Raj 706**, wherein, whilst deciding a similar controversy, this Court held that if after completing 9, 18 and 27 years of service, first, second and third selection scales are awarded to an employee who was junior in lower cadre, but placed in higher pay scale because of granting of selection grade than to any of his senior who happens to remain in lower pay scale because of promotion, such senior shall be entitled to atleast the same scale which has been awarded to his junior in the lower cadre, if such scale is higher than the promotional post.



6. Per contra, learned counsel appearing for the respondent Corporation opposed the submissions advanced on behalf of the petitioner. He relies upon the circular Ex.5 dated 27.4.1993 wherein it has been provided that if an employee subsequent to his first appointment to a post in a cadre/service, as a result of direct recruitment, is appointed to some other post in the same cadre or any other cadre, service from the date of later appointment shall be taken into consideration for the purpose of grant of selection scale. He thus submits that the petitioner is not entitled to the relief claimed for in the writ petition.



7. Heard and considered the arguments advanced at the bar and perused the material available on the record.

8. From the pleadings and the documents as available on record particularly the documents Ex. 6, 7 and 8, it is evident that the petitioner who was appointed as a Computer though higher in rank to the Artisan Gr.I was given the pay scale of Rs. 6000/- w.e.f. 2.9.1998, whereas Artisan Gr.-I Hazi Mohd. Querishi and Ganesh Lal Sharma were given pay scale of Rs. 6900/- in the month of June, 1998 itself. Admittedly these two employees are junior to the petitioner in length of service. The controversy which has been raised by the

instant writ petition is squarely covered by the judgment of this Court rendered in the case of Babu Lal Arora (supra). The action of the respondents in placing the petitioner in a lower pay scale as compared to the Artisans who were junior to the petitioner, cannot be approved, as being unjust and arbitrary.



9. Consequently, the instant writ petition deserves to be and is hereby allowed. Now the petitioner shall be granted pay scale equal to what was given to Artisan Gr.I vide orders Ex.7 & 8 and the selection scales admissible to the petitioner shall be calculated in reference to the said pay scale. The amount falling due to the petitioner, as a consequence of the above direction, shall be paid to him within a period of two months.

10.No order as to cost.

(SANDEEP MEHTA), J.

/S.Phophaliya/