

State of Raj. and anr Vs. Narayan Singh and anr

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Court : Rajasthan Jodhpur

Decided On : Jul-07-2014

Appellant : State of Raj. and anr

Respondent : Narayan Singh and anr

Judgement :

S.B.Civil Writ Petition No.9534/2010 State of Rajasthan and ORS.V/s Narayan Singh and anr.

Order dt: 7/7/2014 1/4 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.Civil Writ Petition No.9534/2010 State of Rajasthan and ORS.V/s Narayan Singh and anr.

Date of Order ::: 7th July, 2014 PRESENT HON'BLE Dr.

JUSTICE VINEET KOTHARI Ms.Shweta Bora on behalf of Mr.Anil Bissa, for the petitioner.

Mr.P.C.Solanki, for the respondents.

--- BY THE COURT: 1.

The petitioner has filed the present writ petition with the following prayers. The petitioners therefore, pray that an appropriate writ, order or direction, this High Court may be pleased to :- 1.

By an appropriate writ, order or direction, in the nature of Certiorari may please be issued and the impugned judgment dated 23.06.2010 (Annex.-3) passed by learned Rajasthan Civil Services Appellate Tribunal in appeal 22/2010 may kindly be quashed and set aside.

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S.B.Civil Writ Petition No.9534/2010 State of Rajasthan and ORS.V/s Narayan Singh and anr.

Order dt: 7/7/2014 2/4 2.

The learned counsel for the respondents, Ms.Shweta Bora submitted that the controversy in hand is covered by the decision of the Hon'ble Supreme Court in the case of State of Rajasthan V/s Shankar Lal Parmar reported in 2012 (2) CDR309(SC) decided on 30.9.2011 in which the Hon'ble Supreme Court dealing with the case of grant of selection scale held if the minor penalty by way of censure is imposed on the employee concerned, the grant of selection scale to him may be delayed by one year.

The relevant para 24 of the said judgment is quoted below for ready reference : 24.

In the light of the foregoing discussion, we are of the considered opinion that the impugned orders passed by the learned Judges of the Division Benches cannot be sustained in law.

Hence, the same are hereby set aside and quashed.

However, looking into the controversies which have been there in the State of Rajasthan since 1992, we deem it fit and proper to pass the following orders.(i) The Appellant-State would not be entitled to recover financial benefits already extended to the employees, pursuant to the FIRs.office order issued by Appellant

on 25.01.1992.

(ii) The Appellant would not also be entitled to recover any amount which might have been paid to the employees even after S.B.Civil Writ Petition No.9534/2010 State of Rajasthan and ORS.V/s Narayan Singh and anr.

Order dt: 7/7/2014 3/4 issuance of the second clarificatory office Order/ letter dated 24.07.1995 as according to us, recovery of such amount would cause great hardships to the employees.

(iii)The employees who have earned censure in the past years for their service record will not be entitled to be granted 'Selection Grade' alongwith those who have a clean and unblemished record.

They would be granted 'Selection Grade' only one year thereafter.

(iv) Any employee who has been promoted before the said period would not be entitled for the grant of 'Selection Grade'.

25.

With the aforesaid direction, this and the connected appeals are allowed.

Impugned orders as mentioned hereinabove are set aside.

Parties to bear their respective costs.

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3.

The learned counsel for the petitioner, Mr.P.C.Solanki is not in a position to controvert this submission and he submitted that the case appears to be covered by the aforesaid judgment.

4.

The writ petition filed by the State is accordingly allowed and the impugned order Annex.3 dtd.23.6.2010 of the learned Rajasthan Civil Services Appellate Tribunal is quashed and set aside.

No order as to costs.

A copy of this order be sent to the parties concerned forthwith.

(Dr.

VINEET KOTHARI).J.

ss/- 38 S.B.Civil Writ Petition No.9534/2010 State of Rajasthan and ORS.V/s Narayan Singh and anr.

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