

Dharmaveer Godara and ors Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Sep-29-2014

Appellant : Dharmaveer Godara and ors

Respondent : State and ors

Judgement :

S.B.CIVIL WRIT PETITION No.1616/2014.

Dharamveer Godara & ORS.versus State of Rajasthan & ORS.Order dated 29/09/2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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ORDER

:: S.B.CIVIL WRIT PETITION No.1616/2014.

Dharamveer Godara & ORS.versus State of Rajasthan & ORS.Date of Order ::: 29th September, 2014.

PRESENT HON'BLE Dr.

JUSTICE VINEET KOTHARI Appearance: Mr.R.S.Saluja, for the petitioners.Mr.N.K.Mehta, Addl.

Govt.

Counsel.

-- BY THE COURT: 1.

The petitioners who are diploma holder in Civil Engineering, their names were forwarded by the Man Power Department as Junior Engineer to the respondent Public Health & Engineering Department (PHED) and accordingly the petitioners were given appointment vide orders dated 10.12.1987 (Annex.2) and order dated 27.01.1997 (Annex.3) on ad hoc basis in the pay scale of Rs.1160-2360.

The petitioners served the in ad hoc capacity for a couple of years. However, their services were later on regularized vide the order dated 31.12.2013 with effect from 02.07.2003.

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Dharamveer Godara & ORS. versus State of Rajasthan & ORS. Order dated 29/09/2014 2/3 2.

Learned counsel for the petitioners Mr. R.S. Saluja, submitted that although the petitioners were appointed after following the due process of selection, still their entire service prior to 02.07.2013 stands lost, which action of non-conducting of screening test is absolutely attributable to the respondents.

Learned counsel for the petitioners further submitted that on the date when the petitioners were appointed on basis of their qualification of Diploma in Civil Engineering, the substantive vacancies were available.

The petitioners have not been assigned proper seniority from the date of their initial appointment.

The petitioner No.2, Ramswaroop made a representation to the respondents on 22.07.2013 (Annex.7). However, without deciding the same, the respondents vide the order dated 04.10.2013 (Annex.8) issued the promotion order of Assistant Engineer (Civil) in the quota of the year 2013-14.

3.

Having heard the learned counsel for the petitioners and the respondents, the present writ petition is disposed of with a direction to the respondent No.2, Chief Engineer (Admn.).PHED, Rajasthan, Jaipur, to whom the representation (Annex.7) dated 22.07.2013 has been addressed, to decide the pending representation within a period of three months from today, preferably after providing an opportunity of hearing to the petitioners. The petitioners will be also at liberty to file fresh representation raising their grievances before the said authority.

If, however, any adverse S.B.CIVIL WRIT PETITION No.1616/2014.

Dharamveer Godara & ORS.versus State of Rajasthan & ORS.Order dated 29/09/2014 3/3 order is passed against the petitioners.the petitioners will be at liberty to avail their legal remedy in accordance with law.

No costs.

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

(Dr.

VINEET KOTHARI).J.

DJ/- 18

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