

Hari Ram Vs. State and ors.

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SooperKanoon Citation : sooperkanoon.com/763157

Court : Rajasthan

Decided On : Nov-20-1990

Reported in : 1990WLN(UC)296

Judge : A.K. Mathur, J.

Appeal No. : S.B. Civil Writ No. 2363 of 1989

Appellant : Hari Ram

Respondent : State and ors.

Judgement :

1. Heard learned Counsel. The petitioner has filed this writ petition praying that the respondents may be directed to pay him regular pay scale from 22nd November 1982, with interest. The petitioner is an employee of Krishi Upaj Mandi, Raisinghnagar. He was appointed as class IV employee in the aforesaid Mandi and is working since November 22, 1982. The petitioner was taken out daily wages and he has prayed that he should be given same salary as is being paid to the Class IV employees similarly situated.

2. Return has been filed and it has been deposed that the petitioner has played a fraud with the Department as at the time of his initial appointment he was overage. This matter requires to be enquired into by the Department. At present it is premature to say that whether it would be established or not that the petitioner has played fraud with the Department.

3. Mr. Sharma submit that regular enquiry has been instituted to find out the correct date of birth of the petitioner. Be it as it may.
4. So far as this writ petition is concerned, the petitioner has only sought a direction. That he should be paid equal pay for equal work.
5. Mr. Mridul has invited my attention to a decision of this Court in S.B.C.W. Pet. No. 2362/89 decided on 18-10-89.
6. The writ petition is allowed for the reasons mentioned in the aforesaid decision. The petitioner may be given the same pay scale as is given to the Class IV employees from the date of filing of the writ petition, i.e. 10-7-89. However, this benefit will be subject to the enquiry, if it is found that the petitioner has not played fraud, so far as his date of birth is concerned.
7. The writ petition is disposed of with the above observations.