In The High Court of Judicature for Rajasthan Jaipur Bench, Jaipur

ORDER

S.B. Civil Writ Petition No.12167/2010 Dr. Rashmi Sharma & Ors. Vs. State of Raj. & Ors.

Date Of Order :: 22/03/2011

Hon'ble Mr. Justice Ajay Rastogi

Mr. Pradeep Choudhary, for petitioners.

Mr. Anant Bhandari, Dy. Govt. Counsel for respondents.

j oi nt wri t Thi s peti ti on has been filed by the petitioners with the gri evance them that ad-hoc servi ces rendered by Lecturer in College Education be reckoned and considered for the purpose of fixation in the revised pay-scale rules which came into force from time to time. However, i t has been this Court that as i nformed to to whether their ad-hoc service is to be counted for the purpose of fixation of pay or not, is pendi ng before subj ect matter the Di vi si on Bench.

further Counsel for peti ti oners informed to this Court that at one point of time the same issue arose before the Division Bench in D.B. Ci vi I Speci al Appeal (Writ) No. 999/2001 along with one other appeal which was decided on 15.01.2002 and it was held that Lecturers/members of teachi ng facul ty entitled of their adhoc services to be counted for the purpose of fixation of pay in the revised pay-scales as and when made admissible and the Special Leave to Appeal preferred by

the State of Rajasthan was also rejected by the Hon'ble Supreme Court. However, in few matters special appeals have been preferred by the State of Rajasthan which are pending adjudication before the Division Bench of this Court.

Counsel for petitioners for grant of interim relief submits that the only dispute pending for consideration is as to whether adhoc services rendered by the petitioners as Lecturer/members of teaching faculty is to be reckoned for the purpose of fixation in the revised pay-scale rules made applicable from time to time. However, submits that at least as interim relief the petitioners are entitled for fixation of pay in terms of 6th Pay Commission whi ch i nto came force w.e.f.01.01.2006. At least they are entitled to get as interim measure from the date they regularly appointed after been screened by the committee constituted by the State Government vide order dt. 30. 09. 1995 and schedule A & B annexed with the writ petition di scl oses the date whi ch on they were appointed on regular basis and submits their fixation may be made subject to final decision of the writ petition as well as D.B. preferred by the State Speci al Appeal Raj asthan.

Counsel for respondent on the other

hand submits that once the dispute is pending before the Division Bench what has been prayed for by the petitioners tentamounts to final relief and can be examined only at the stage when the matter is taken up for final hearing.

Heard. Admit. Fresh notices need not been issued since the respondents are represented through their counsel.

As regards interim relief, taking note that petitioners are regul arl y of the fact appointed and which is not the subject matter before the Di vi si on Bench, expressi ng opi ni on on meri ts thi s considers it appropri ate that respondents shall grant benefit of 6th Pay Commission which came into force w.e.f. 01.01.2006 to all the similarly peti ti oners and other si tuated lecturers/members of teaching faculty in terms of Rajasthan Civil Services (Revised Pay for Govt. College Teachers including Librarian and PTIs) Rules, 2009 from the date of appointment of the incumbent, which will be subject to final decision of the present writ petition.

Accordingly, the stay application (CMS-5204/10) stands disposed of.

A copy of this order may also be placed in S.B. Civil Misc. Stay Application No. 5204/2010.

(Aj ay Rastogi), J.