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## D.B. CIVIL SPECIAL APPEAL (W) NO.100/2015 State of Rajasthan & Ors. Vs. Satyanarayan & Anr.

DATE OF ORDER ::: 31st March 2015

## HON'BLE THE CHIEF JUSTICE MR.SUNIL AMBWANI HON'BLE MISS JUSTICE JAISHREE THAKUR

Mr.P.R.Singh, Additional Advocate General for the appellant

Issue notice on the application for condonation of delay. Steps may be taken within a week. Notices will be returnable within six weeks.

It is submitted by learned Additional Advocate General appearing for the State of Rajasthan that matters relating to regularisation and grant of regular pay scale for Store Munshi were considered by this Court in **D.B.Civil Special Appeal (W)**No.546/2014: State of Rajasthan & Ors. Vs. Anil Acharya and other connected matters, decided on 20.11.2014. All the special appeals were disposed of with the following directions:-

- "20. We find that since the exercise of screening and to weed out those persons, who were not entitled to the benefits as have been given in Hem Singh's case, has already been initiated and that the list of eligible persons, after screening, has already been forwarded to the State Government, it is not necessary for this Court to examine each and every case for his/their entitlement to the benefits to be given in accordance with judgment of Hem Singh.
- 21. We make it clear that Hem Singh's case was decided on the findings that the petitioners in those cases were either employed initially on the post of Store Munshi in Work Charge Establishment of Public Health & Engineering Department or they were allowed to work subsequently as Store Munshi and that they were entitled to be granted semi permanent status after completing two years of service and permanent status after completing 10

years of service. On the facts, as they were given in Hem Singh's case, it was decided that all such persons were entitled to consequential benefits of working on the post of Store Munshi. The benefits, however, had to be given from the date, they were working as Store Munshi and for which, they should be eligible and have not received any promotion in their field, such as Pump Driver or Fitter.

- 22. Now since the screening is in process and the report of the Screening Committee is under consideration of the State government, we do not propose to examine each and every case for ascertaining the facts as to whether the respondents are entitled to be given benefits and whether they will be entitled to any arrears. Any decision taken by the State Government will abide by the judgment of the Hon'ble Supreme court in the Special Leave to Appeal, in which, notices have been confined to payment of arrears prior to 2007 or of any orders, which the Supreme Court, pass on an application, which the State Government proposes to move.
- 23. We are informed that the Work Charge Rules of 1964 have, since, been repealed and that the Work Charge Establishments have been abolished, and thus, the State Government must, find out the corresponding employment and pay scales to be applicable to Store Munshi, in which the respondents, if they are entitled and eligible after screening, may be absorbed or regularised, in terms of the judgment of Hem Singh's case.
- 24. On the aforesaid discussion, all these special appeals are disposed of with directions that the respondents will be entitled to the benefit of Division Bench judgment in Hem Singh's case, only after and subject to the Screening to be carried out for weeding out the persons, who were either not eligible or have received promotions in their own trade other than the trade of Store Munshi. It goes without saying that this judgment will be subject to the judgment of Hon'ble Surpeme Court in Special Leave to Appeal (Civil) No.18046/2012. There shall be no orders as to costs."

In this special appeal, by the impugned order passed learned Single Judge, a direction has been issued on 23.07.2013 to give benefit of Lal Chand Sharma's case to the respondents.

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Lal Chand Sharma's case was decided in the same manner in which Hem Singh's case was decided and thus considering the judgment of Division Bench in State of Rajasthan Vs. Anil Acharya, we pass the interim order as follows:-

In the meantime, the respondents will be entitled to the benefit of Division Bench judgment in Hem Singh's case, only after and subject to the Screening to be carried out for weeding out the persons, who were either not eligible or have received promotions in their own trade other than the trade of Store Munshi. It goes without saying that this interim order will be subject to the judgment of Hon'ble Surpeme Court in Special Leave to Appeal (Civil) No.18046/2012.

List on 12.05.2015.

(JAISHREE THAKUR), J. (SUNIL AMBWANI), CJ.

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