HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 3521/2025

1. Kamal Singh S/o Karan Singh, Aged About 47 Years, R/o Village And Post Ganoda Tehsil Ganoda, District Banswara. At Present Posted As Drieer Belt No.378, Mahila Police Station Banswara.

2. Harendra Singh S/o Deep Singh, Aged About 50 Years, R/o Village And Post- Tamtiya Dist- Banswara At Present Posted As Hc Driver B.n. 105 Traffic Office Banswara.

3. Dilip Singh Chouhan S/o Gajendra Singh Chouhan, Aged About 49 Years, R/o Village Chitrodiya Post Daduka, Teh Arthuna, Dist- Banswara At Present Posted As Driver B.n. 93 Co Office Garhi Banswara.

4. Mahendra Singh S/o Tej Singh, Aged About 49 Years, R/o Village- Senala Post- Anjana The- Garhi At Present Posted As Driver B.n. 434 Ps Sallopat Banswara.

5. Mahendra Singh S/o Balawant Singh Solanki, Aged About 49 Years, R/o Village- Bai Ka Garha Post Metwala The- Garhi Dist- Banswara. At Present Posted As Driver B.n. 617 Ps Garhi Banswara.

6. Devendra Singh S/o Bahadur Singh, Aged About 50 Years, R/o Village- Himmat Singh Ka Garha, Post Samagarha, Tehsil Garhi. At Present Posted As Driver B.n. 631 Ps Sajjangarh Banswara.

7. Jitendra Singh S/o Uday Singh Jhala, Aged About 49 Years, R/o Village- Jhalo Dk Garha, Post- Vajwana Tehsil Garhi, Dist Banswara. At Present Posted As Driver B.n. 627 Acb Office Banswara.

8. Hemendra Singh S/o Mahendra Singh Sisodiya, Aged About 47 Years, R/o Village- Odwara, Post- Odwara Tehsil Arthuna, Dist- Banswara, At Present Posted As Hc Driver B.n. 461 Rpl Banswara.

9. Rohitashwa Choudhary S/o Richpal, Aged About 46 Years, R/o Village- Mandva, Rs, Tehsil Nim-Ka Thana, Dist- Sikar. At Present Posted As Driver B.n. 37 Acb Jaipur.

10. Rajendra Kumar S/o Shyamji Bhai, Aged About 54 Years, R/o Village- Sevniya, Post- Kalinjara Teh- Sajjangarh, Dist- Banswara. At Present Posted As Hc Driver B.n. 95 Rpl Banswara.

11. Prakash Chandra S/o Dhanji Rawat, Aged About 48 Years, R/o Village- Choti Badrel Teh- Ambapura, Dist Banswara. At Present Posted As Driver B.n. 321 Rpl Banswara.

12. Vinod Patidar S/o Mahipal Patidar, Aged About 49 Years, R/o Village And Post Madalda, Tehsil Garhi, Dist- Banswara, At Present Posted As Driver B.n. 628 Co Office Banswara.

13. Richpal Verma S/o Laduram Verma, Aged About 54 Years, R/o Village Arniya, Post Chandvaji, Dist- Jaipur (Gramin). At Present Posted As Hc Driver B.n. 85 Rpl Banswara.

14. Khushpal Singh S/o Jagpal Singh, Aged About 47 Years, R/o Village, Chiravala Garha, Post Bhimpur Ps Motagaon, Dist- Banswara. At Present Posted As Driver B.n. 632 Co Officer Bagidora Dist. Banswara.

15. Nagendra S/o Jagudaji, Aged About 50 Years, R/o Village - Movai, Post- Ghantali, Ps Ghantali Dist- Pratapgarh. At Present Posted As Driver B.n. 189 Rpl Banswara.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Home Affairs, Secretariat Jaipur, Government Of Rajasthan.

2. The Director General Of Police, Police Headquarter Jaipur, Rajasthan.

3. The Financial Advisor, Police Headquarter, Jaipur, Rajasthan.
4. The Inspector General Of Police, Udaipur, Rajasthan.
5. The Superintendent Of Police, District Banswara, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Tanwar Singh Rathore

JUSTICE DINESH MEHTA

Order

07/02/2025

1. Learned counsel for the petitioners submits that the controversy involved in the present case is squarely covered by a judgment dated 20.12.2023 rendered by a Coordinate Bench of this Court in **S.B. Civil Writ Petition No.3873/2019 (Amar Singh & Ors. Vs. State of Rajasthan & Ors.)** in the following terms:-

> "10. This Court further observes that the judgment rendered by a Division Bench of this Hon'ble Court in the case of State of Rajasthan & Ors. V/s Banney Khan (D.B. Civil Special Appeal (W)No. 763/2011) was challenged before the Hon'ble Apex Court in Civil Appeal No.1766/2015 and the same was affirmed by the Hon'ble Apex Court on 12.05.2015.
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> 11. This Court also observes that the petitioners were appointed on the post in question as M.T. Cadre and thereafter, their next promotional post was Head Constable and then Sub-Inspector as per the M.T. Cadre, and therefore it is clear that the petitioners are eligible for pay scale of the next promotional post, but the said benefit was

denied by the respondents, which is not justified in law.

12. This Court further observes that the petitioners at the completion of 9 years of regular services, were granted the pay scale of the next promotional post, but thereafter, on completion of 18 years of the services, the respondents did not grant them the benefits of the next promotional post, which impugned action is not sustainable in the eye of law, because the respondents at the first instance i.e. completion of 9 years of services considered the petitioners for next promotional pay scale as per the M.T. Cadre, but at the same time, denied them the same benefit on completion of 18 years of service.

13. This Court also observes that the impugned action of denial of grant of the pay scale of the next promotional post to the petitioners by the respondents and granting the petitioners the pay scale of different Cadre i.e. Assistant Sub inspector is not permissible in the eye of the law.

14. Thus, in light of the above observations and aforequoted precedent laws as well as looking into the factual matrix of the present case, the present petition is **allowed** and the impugned order dated 10.12.2018 is quashed and set-aside, while directing the respondents to grant to the petitioners the pay scale benefits of the next promotional post as per the M.T. Cadre i.e Sub-Inspector from the date the petitioners became eligible therefor. All pending applications stand disposed of."

2. Learned counsel, therefore, seeks liberty to approach the respondents by way of filing an appropriate representation for redressal of petitioners' grievances in light of the judgment

rendered by this Court in the case of Amar Singh (supra). He further prays that the respondents may be directed to consider and decide the representation at the earliest.

3. Considering the limited prayer made by learned counsel for the petitioners, the writ petition is disposed of with a direction to the petitioners to approach the respondents by way of filing a representation for redressal of their grievances in light of the judgment rendered by this Court in the case of Amar Singh (supra).

4. In the event of filing such representation by the petitioners, the respondents shall consider and decide the same in accordance with law within a period of six weeks from the date of receipt of such representation.

5. Without going into the merits of the case, the present writ petition has been disposed of considering the submissions made by learned counsel for the petitioners. The respondent authorities will be free to examine the representation to be filed by the petitioners in accordance with law after taking into consideration the facts and circumstances of his case.

6. Stay application also stands disposed of, accordingly.

(DINESH MEHTA),J

21-Arun/-