

RAJASTHAN CIVIL SERVICES APPELLATE TRIBUNAL, JAIPUR

S.N.	Appeal No and Appellants' Name	Respondent's Name	Date of presence	Name of Advocates
1.	2498/2004 Manohar Singh	1. State of Rajasthan through its Secretary, Government of Rajasthan, P.W.D., Government Secretariat, Jaipur.	02.11.2004	Sh. Zakir Hussain, Adv. & Sh. Hemant Dhariwal, Govt. Adv.
2.	2499/2004 Sharafat Hussain	2. The Chief Engineer, P.W.D., Rajasthan, Jaipur. 3. Executive Engineer, District Division-1, P.W.D. Udaipur.		

Date of Order : 09.06.2023

**Before: Shuchi Sharma, Member
Lekhraj Tosawara, Member**

Order

1. The aforementioned appeals have been filed by the appellants, seeking identical reliefs, hence being disposed off by the common order in the interest of justice. Facts of appeal no. 2498/2004 Manohar Singh V/s State of Rajasthan through its Secretary, Government of Rajasthan, P.W.D., Government Secretariat, Jaipur & Others are being discussed for the sake of simplifying the issues and details and in order to avoid duplicity.
2. By way of present appeal, following prayer has been made by the appellant -
 - (i) By an appropriate order or direction, the respondents be directed to give the benefit of pay scale of Rs. 4000-6000 to the appellant from the date of entitlement with all consequential benefits.
 - (ii) By an appropriate order or direction, the respondents be directed to give the benefits of circular dated 25.01.1992

for the purpose of selection scale to count the length of service from the date of semi-permanent with all consequential benefits with interest.

3. Basically the appellant has claimed the benefit of pay scale of 4000-6000 and grant of selection scale under ACP from the date of his becoming semi-permanent.

4. Brief facts of the case are as follows:—

- I. That the appellant was initially appointed as Helper Grade-II on 16.12.1977 in the work-charge cadre under the provisions of Work-charge Service Rules 1964 and after completion of 2 years of service on 16.12.1979, the appellant was declared semi-permanent, thereafter he was promoted as Driver on 12.05.1986. The Rajasthan Civil Services Revised Pay Scale Rules 1998 come into the force w.e.f. 01.09.1996 and accordingly the pay of the appellant was revised in the pay scale Rs. 3050-4590/- as per Rules of 1998.
 - II. The respondents gave him the benefit of 27 years of service in the pay scale 3400-5200 instead of 4000-6000 as admissible to the drivers performing the similar duty in the other departments. Similarly, it is submitted that the benefit of 18 years of service for IInd selection scale should have been given in terms of circular dated 25.01.1992. The notice of demand of justice has been served upon the respondents but nothing happened. The appellant has filed this appeal on the ground of discrimination against him by the respondents in denying the pay scale of driver as given in other departments.
5. Respondents have submitted a reply. The counsel for the respondents submits that the appellant was a work-charge

employee. Circular of 1992 issued by the Finance Department the grant of selection scales, is not applicable to the work-charge cadre and for them a circular was issued on 04.03.1998 with effect from 01.01.1998. He is entitled for selection scale benefits with effect from the date of his becoming semi-permanent because the work-charge cadre is different from the ministerial cadre. Therefore, he is not entitled for the benefits under circular of 25.01.1992. Similarly, the selection scale benefit cannot be given from the date of initial appointment but from the date of regular appointment only.

6. Heard the counsels for both the parties and gone through the appeal memo, records and reply. The present appellant was the work-charge cadre employee who became semi-permanent after two years and later on given the job of Driver in 1986 after promotion. He was made semi-permanent on 16.12.1979, therefore, the benefit of selection scale is to be given to him in terms of circular dated 04.03.1998 issued by the Finance Department for the work charge employee by counting his services from the date of his becoming semi permanent, though actual payment would accrue after 01.01.1998 only as stipulated in the circular and for the previous years only notional benefits. As far as the pay scale 4000-6000 is concerned we deem it fit to direct the State Government to verify the facts and if Drivers in other departments are getting this scale then the doctrine equal pay for equal work needs to be applied in his case also. The State Government is directed to pass a speaking order within two months after passing of this order and if appellant is still aggrieved, he may approach this Tribunal.

7. With this the appeal stands disposed of.
8. Copy of this order may be kept on each individual appeal as mentioned in above captioned table tagged with this appeal.

(Lekhraj Tosawara)
Member

(Shuchi Sharma)
Member