

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 2982/2025

Mewa Ram S/o Jugta Ram, Aged About 73 Years, Vpo Bhimda,
District Barmer (Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary,
Public Health Engineering Department, Government Of
Rajasthan, Jaipur.
2. The Chief Engineer (Administration), Public Health
Engineering Department, Government Of Rajasthan,
Jaipur.
3. The Superintending Engineer, Public Health Engineering
Department, Circle Barmer, Barmer (Raj.)
4. The Assistant Engineer, Public Health Engineering
Department, Sub Division Baytu, District Barmer.

-----Respondents

For Petitioner(s)	:	Mr. K.R. Vaghela Ms. Divya Janga
For Respondent(s)	:	Mr. P.S. Chundawat

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/05/2026

1. Learned counsel for the petitioner submitted that the issue involved in the present writ petition is squarely covered by the judgment of this Court rendered in the case of **Balmukund Tiwari Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.5543/2015)** decided on 06.07.2017.

2. In the case of Balmukund Tiwari (supra), this Court has held thus:-

12. Indisputably, in the cadre of Pump Operator III, the petitioner was senior than Shri Mohd. Salim. Admittedly, the petitioner

being senior to Shri Mohd. Salim was promoted to the post of Pump Operator II on 6.10.80 and then to the post of Pump Operator I w.e.f. 1.4.90. It was only a fortuitous circumstances that after the promotion of the petitioner to the post of Pump Driver II, the post of Pump Driver III was abolished and all the persons holding the post of Pump Driver III were absorbed on the post of Pump Driver II w.e.f. 31.8.86. The first and second selection grades on completion of 9 and 18 years of service in terms of Government order dated 25.1.92 were not admissible to the petitioner inasmuch as, he had already availed two promotions but Shri Mohd. Salim, who was junior to the petitioner in the cadre of Pump Operator III as also Pump Operator II but did not earn any promotion, was granted first and second selection grade on completion of 9 and 18 years of service. It is not disputed that on the grant of second selection grade to Mohd. Salim so as to remove the anomaly occurred in the pay of the petitioner vis-a-vis Shri Mohd. Salim, invoking the provisions of Rule 32 of RSR, the petitioner was given the benefit of stepping up of his pay to Rs.1200/- as on 25.1.92 with the next increment on 25.1.93. In this view of the matter, there is absolutely no reason as to why the petitioner should not be extended the benefits of stepping up to remove the anomaly in pay occurred on grant of third

selection grade to Shri Mohd. Salim. If a person junior to the Government servant is drawing higher salary than the pay of the senior has to be protected by giving him benefits of stepping up in order to remove the anomaly. In this view of the matter, the petitioner is entitled for benefit of stepping up to remove the anomaly in pay occurred as a result of grant of third selection grade to his junior.

13. In the result, the petition is allowed. The order impugned dated 7.11.14, denying to grant the benefits of stepping up to the petitioner is quashed. The respondents are directed to extend the benefit of stepping up in pay to the petitioner so as to remove the anomaly occurred in pay of the petitioner vis-a-vis pay drawn by his junior. No order as to costs.

2. Mr. Chundawat, learned counsel appearing for the respondent-State is not in a position to dispute the aforesaid position of facts and law.

3. Following the reasoning given in the case of Balmukund Tiwari (supra), the present writ petition is allowed.

4. The respondents are directed to extend the benefit of stepping up in the pay to the petitioner, so as to remove the anomaly occurred in petitioner's pay vis-a-vis pay drawn by his junior. No order as to costs.

(KULDEEP MATHUR),J