

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

S.B. Civil Writ Petition No. 5935/2026

Maninder Singh S/o Shri Kana Ram, Aged About 45 Years, R/o
Village Narsi Nagar, Post Hadiyal, Police Station Tara Nagar,
District Churu Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Joint Secretary, Department
Of Home (Group-Ii), Government Of Rajasthan,
Secretariat, Jaipur.
2. Commandant, 10Th Battalion, Rac (I.r.), Bikaner.

-----Respondents

For Petitioner(s) : Mr. Vinod Jhajharia

For Respondent(s) :

HON'BLE MR. JUSTICE FARJAND ALI
Order

28/03/2026

1. Learned counsel for the petitioner submits that the issue involved in the instant writ petition is squarely covered by the order passed by a co-ordinate Bench of this court in the case of ***Manoj Purohit Vs. State of Rajasthan (S.B. Civil Writ Petition No.3665/2011)*** decided on 25.04.2011. He further submits that he may be permitted to submit a representation, in light of the aforesaid judgment, before the respondent-authorities and the respondent-authorities be directed to decide his representation expeditiously.

2. For ready reference, the aforesaid order is reproduced hereunder :-

"To challenge the judgment dated 28.05.2013, this appeal is preferred. The learned Single Bench by the judgment impugned accepted the writ petition setting aside order dated 28.03.2012 passed by the Inspector General of

Police (Personnel), Jaipur deferring grant of third selection grade to the respondent-petitioner.

Factual matrix necessary to be noticed for adjudication of this appeal is that the respondent-petitioner entered in the services of the Government of Rajasthan, Department of Police being appointed as Sub Inspector on 24.03.1984. Under the Rajasthan Police Subordinate Service Rules, 1989, the respondent-petitioner is having avenue of promotion to the post of Inspector. He is having further avenue for promotion as Deputy Superintending of Police and Additional Superintendent of Police under the Rajasthan Police Service Rules. The Government of Rajasthan with a view to remove stagnation in service and in lieu of promotion, introduced a policy for grant of selection grades on completion of 9, 18 & 27 years of service. Under the notification aforesaid, it was made clear that the criteria for grant of selection grade shall be the same as applicable for grant of promotion under the applicable service rules.

The appellants allowed first selection grade to the respondent-petitioner as per the notification dated 25.01.1992 on completion of 9 years of service, however, second selection grade was deferred for a period of five years as during that block of period, he suffered minor penalty of censure on five occasions. The second selection grade was ultimately awarded to him under an order dated 6.2.2008 w.e.f. 24.03.2007. The respondent completed 27 years of service on 24.03.2011 but third selection grade was not given to him in the light of the memo dated 31.12.2009 issued by the department of Finance, Government of Rajasthan mentioning therein that if a financial up-gradation under the Annual Career Progression Scheme is deferred and not allowed due to the reason of employee being unfit or due to departmental proceedings etc. this would have consequential effect on the subsequent financial up-gradation which would also

get deferred to this extent of delay in grant of previous financial up-gradation.

The respondent- government employee being aggrieved by non grant of third selection grade with effect from 24.03.2011 preferred a petition for writ that came to be accepted by the judgment impugned dated 28.05.2013. The learned Single Bench held that penalty of censure is a minor penalty and that could not have been a ground for denying promotion repeatedly under the criteria of seniority cum merit, therefore, on basis of that, selection grade too could not have been deferred.

In appeal, the argument advanced by learned counsel for the appellants is that the respondent-petitioner suffered penalty of censure five times and on that ground, second selection grade was deferred for a period of five years. Thus, in view of the memorandum dated 31.12.2009, he was rightly denied grant of selection grade on 24.03.2011. According to the appellants, the respondent-petitioner shall be entitled for third selection grade only in the month of March, 2016. It is submitted on behalf of the appellants that the learned Single Bench failed to appreciate this aspect of the matter in correct perspective.

*We do not find any merit in the argument advanced. It is not in dispute that selection grades are given under the notification dated 25.01.1992 and its subsequent notification dated 17.02.1998 in lieu of promotion with a view to remove stagnation in service. It is also not in dispute that the criteria for grant of selection grade under the notification aforesaid is same as required to be applied while considering the case of Government servant for promotion. In the case in hand, it is admitted between the parties that the criteria for promotion is seniority cum merit, therefore, the case of respondent-petitioner for grant of three selection grades is required to be taken into consideration by applying the same criteria. The Hon'ble Supreme Court in the case of **State of Kerla & Anr. V/s***

N.M. Thomas & Others reported in AIR (1976) SC 490 held that under the criteria of seniority cum merit. The term 'merit' means minimum suitability required to hold a promotional post and it is the seniority that shall prevail while considering case for promotion, if a person under consideration is otherwise suitable.

In the instant matter, the respondent-petitioner suffered minor punishment and merely on that count, it cannot be said that he was not a person suitable for promotion to the next higher post. In view of it, we are of the considered opinion that the penalty of censure which was taken into consideration for deferring second selection grade could not have been taken into consideration while examining his candidature for the purpose of grant of selection grade. The learned Single Bench, therefore, rightly arrived at the conclusion that minor penalty of censure could not have been a ground for denying promotion repeatedly under the criteria of seniority cum merit and on the basis of this plea, selection grade too could not have been denied. For the reasons given above, we do not find any merit in this appeal, accordingly, the same is dismissed.

3. In view of the submission made above, the petitioner is directed to submit a representation in light of the judgment of Manoj Purohit (supra) before the respondent-authorities and the respondent-authorities are directed to decide the representation within a period of 30 days, in accordance with law.

4. The writ petition is disposed of. Stay petition and all pending applications, if any, stands disposed of.

(FARJAND ALI),J