

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

S.B. Civil Writ Petition No. 6054/2025

Om Prakash Gaur S/o Shri Ghewar Ram, Aged About 61 Years, R/o
Brahamano Ka Bas, Satheen, Tehsil Pipar City, District Jodhpur,
Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Water Resources Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Finance Rules Department Of Finance, Government Of Rajasthan, Secretariat, Jaipur.
3. The Chief Engineer (H Q And I.t.), Water Resources Department, Rajasthan, Jaipur.
4. The Chief Engineer, Water Resources Department, Rajasthan, Jodhpur
5. Assistant Engineer, Water Resources Department, Sub Division, Bilara, District Jodhpur (Raj.)
6. The Dy. Director, Pension And Pensioners Welfare Department, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Ram Lal Gora.

For Respondent(s) : Mr. Milap Chopra.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

15/07/2025

1. Mr. Gora, learned counsel for the petitioner submitted that the issue involved in the present writ petitions is squarely covered by the judgment dated 05.12.2022 passed by the Co-ordinate Bench of this Court in a bunch of writ petitions led by **S.B. Civil Writ Petition No.13130/2016 ` Harphool Singh & Anr. Vs. State of Rajasthan & Ors.** in the following terms:-

“Keeping into consideration the above observation of the Hon’ble Apex Court, this Court is of the clear opinion that the present matters do fall within the parameters as laid down by the Hon’ble Apex Court. This is a specific case

wherein keeping into consideration the said parameters, the Court definitely ought to interfere as here is a clear discrimination between the employees appointed by the same authorities, in the same manner, wherein the eligibility criteria was also the same and duties are also identical in all the aspects.

So far as the clarification dated 20.05.2016 is concerned, the contents or the facts of the same were never pleaded in reply to the writ petition nor was the said documents placed on record. Therefore, the same could not have been refuted or controverted by the petitioners. Even otherwise, this Court is of the specific view that the clarification dated 20.05.2016 cannot be held to be valid as the same specifically discriminates between two set of employees of the same parent department.

In view of the above observations, the present writ petitions are allowed. The respondent authorities are directed to grant the benefit of the three selection grades to the petitioners on the promotional post of Work Supervisor Gr. I on the same terms, as granted to the Mate of the IGNP Department. The essential orders be passed within a period of three months from the date of receipt of the present order.

All pending applications also stand disposed of."

2. Mr. Milap Chopra, learned Additional Government Counsel for the respondent – State submitted that principle issue seems to be covered by the judgment in the case of Harphool Singh (supra) but unless the competent authority perused the record, nothing can be said with certitude.

3. The present writ petition is, therefore, allowed in light of the Harphool Singh (supra) while giving liberty to the respondents to take a decision after examining the record.

(VINIT KUMAR MATHUR),J