

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

S.B. Civil Writ Petition No. 8464/2025

Mrigank Singh S/o Shri Dinesh Chand Nimesh, Aged About 35
Years, R/o B-11, Thermal Colony, Sakatpura, District Kota (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Cooperative
Department, Government Of Rajasthan, Secretariat,
Jaipur.
2. The Joint Secretary, Cooperative Department,
Government Of Rajasthan, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Devendra Bishnoi Mr. Jayram Saran Mr. Nikhil Bishnoi Mr. Anshuman Singh
For Respondent(s)	:	Mr. Digvijay Singh for Mr. N.S. Rathore, AAG

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/05/2026

By way of filing the present writ petition, the petitioner has
prayed for the following reliefs:

"It is, therefore, most humbly prayed that this writ petition may kindly be allowed with cost and by and appropriate writ, order or direction; the respondent Department may kindly be directed to grant regular pay scale and the benefit of service to the petitioner keeping in consideration his earlier service with RRVUNL on the post of Assistant Engineer (Electrical) after joining on the post of Assistant Registrar in respondent Department in pursuance of the order dated 24.05.2024 (Annex.5). Further the respondent Department also directed to revise the pay scale of the petitioner accordantly and also make the payment of due arrears with due interest of @18% per annum with all consequential service benefits.

Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favor of the petitioner.

Costs of the writ petition may kindly be awarded to the petitioner."

Learned counsel for the petitioner submitted that the controversy involved in the matter has been covered by the judgment passed in ***Pooja Bhati v. State of Rajasthan (S.B. Civil Writ Petition No.10732/2017)*** decided on 18.12.2017 wherein the co-ordinate Bench of this Court has held that JVVNL which is sister organization of Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) is by all means a government undertaking. It is submitted that in view of the aforesaid, the petitioner cannot be denied from pay protection etc. upon joining new department i.e. Co-operative Department, pursuant to his selection.

The relevant portion of the judgment passed in ***Pooja Bhati (supra)*** is reproduced below for ready reference:

*"Thus, this Court finds that the Nigam is not a body so separate or so independent so as to have individual impact on its employees altogether. Rather the legislative intention is clearly for providing the preference to the ministerial staff of the Department of Government of Rajasthan to include such employees who are discharging the duties of Jodhpur Vidyut Vitaran Nigam Ltd. The precedent law does not apply in the present case as the **Vinay Mohan Kiradoo (supra)** is dealing with the category change and cannot have any bearing in the present case and the case of **Dhirendra Sharma (supra)** is only dealing with the applicability of Compassionate Appointment Rules, 1996 which cannot have any bearing in the present case.*

*38. In view of the aforesaid observations and discussions, the present writ petitions are allowed and the respondents are directed to give 12.5% reservation to the petitioners for the appointment to the post of Junior Accountant under the Rules of 1963 **treating the Nigam to be a Department of Government in light of the Sub-Rule (iii) of Rule 6 of the Rules of 1963.**"*

Learned counsel further submitted that the co-ordinate Bench of this Court in a similar controversy in the case of ***Honey Singh Chouhan (S.B. Civil Writ Petition NO.5781/2018)*** decided on 07.05.2022 while relying upon the judgment laid down in ***Pooja Bhati (supra)*** has granted the regular pay scale and the benefit of service to the petitioner therein keeping in consideration his earlier services with JVVNL.

The order passed by the co-ordinate Bench of this court in the case of **Honey Singh Chouhan (supra)** is reproduced below for ready reference:

"The present petitioner was appointed as Vice Principal vide appointment order dated 02.08.2017. Prior to the said appointment, the petitioner was working with the Jodhpur Vidhyut Vitran Nigam Limited (JVVNL) as a Junior Engineer with effect from 30.01.2012.

After being selected with the present respondent Department, he resigned from the JVVNL specifically submitting the fact of his being appointed with the respondent Department. The said resignation of the petitioner was accepted by the JVVNL on 11.08.2017 with effect from 04.08.2017. The petitioner thus prayed for grant of regular pay scale and benefits of the service which he rendered in the earlier Department but the same was rejected on the premise that JVVNL, the organization with which the petitioner was earlier working is not governed by the State laws and it is not a body governed by the State. The claim of the petitioner was rejected only on this sole ground and no other ground.

*Counsel for the petitioner submitted that JVVNL is by all means a government undertaking and has relied upon the judgment passed in **Pooja Bhati Vs. State of Rajasthan (S.B. Civil Writ Petition No.10732/2017)** decided on 18.12.2017.*

*Counsel for the respondents submitted that the ratio as laid down in **Pooja Bhati's case (supra)** would not apply to the present matter. The same was a matter pertaining to fresh recruitment whereas in the present matter, the petitioner is claiming the benefit of his earlier services. Secondly, the petitioner has joined the respondent Department after resignation from his earlier Department and not after simply being relieved by the earlier Department.*

*In **Pooja Bhati's case (supra)** also, the co-ordinate Bench of this Court was dealing with the issue as to whether JVVNL is a Department of the Government or not. After an elaborate discussion of the earlier precedents, the Court reached to the following conclusion:*

*"Thus, this Court finds that the Nigam is not a body so separate or so independent so as to have individual impact on its employees altogether. Rather the legislative intention is clearly for providing the preference to the ministerial staff of the Department of Government of Rajasthan to include such employees who are discharging the duties of Jodhpur Vidyut Vitaran Nigam Ltd. The precedent law does not apply in the present case as the **Vinay Mohan Kiradoo (supra)** is dealing with the category change and cannot have any bearing in the present case and the case of **Dhirendra Sharma (supra)** is only dealing with the applicability of Compassionate Appointment Rules, 1996 which cannot have any bearing in the present case.*

*38. In view of the aforesaid observations and discussions, the present writ petitions are allowed and the respondents are directed to give 12.5% reservation to the petitioners for the appointment to the post of Junior Accountant under the Rules of 1963 **treating the Nigam to be a Department of Government in light of the Sub-Rule (iii) of Rule 6 of the Rules of 1963.**"*

In view of the above ratio, this Court cannot defer from the opinion that JVVNL is a Department of the Government and therefore, has to be governed by the Rules governing employees of a Government Department. Further the

appointment order itself of the present petitioner had a specific clause which reads as under:

“जो अभ्यर्थी पूर्व से ही नियमित राज्य सेवा में कार्यरत है उन्हें राज्य सरकार के नियमानुसार ही वेतन भत्ते देय होंगे परन्तु पदस्थापन पर कार्यग्रहण के समय पूर्व नियोजक के द्वारा उचित माध्यम (Through Proper Channel) से कार्यमुक्त किये जाने का आदेश एवं गत भुगतान प्रमाण पत्र भी प्रस्तुत करना होगा।”

A bare perusal of the above clause makes it clear that any employee who had been in regular service of any Government Department prior to be appointed in a new Government Department, he would be entitled to regular pay scales payable in terms of the Rules governing the employees of the said earlier Department. There is no dispute that the petitioner has been appointed through a proper channel and even resigned through a proper channel. Therefore, the requirements as provided in the conditions of appointment have also been fulfilled by the present petitioner.

*In view of the ratio as laid down in **Pooja Bhati’s case (supra)** and in view of observations made above, the present petition of the petitioner deserves to be allowed and is hereby allowed. The respondent Department is directed to grant the regular pay scale and the benefit of service to the petitioner keeping in consideration his earlier services with JVVNL.*

All the pending applications also stand disposed of.”

Learned counsel for the respondents was not in a position to refute the fact that the controversy involved in the present case is squarely covered by the judgments passed in the cases of **Pooja Bhati (supra)** and **Honey Singh Chouhan (supra)**.

In view of the aforesaid, the present writ petition is allowed.

The respondent department is directed to grant the regular pay scale and the benefit of service to the petitioner keeping in consideration his earlier services with Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL).

All the pending applications also stand disposed of.

(KULDEEP MATHUR),J