

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 8463/2025
CNR: RJHC010383652025
URN: CW / 14738U / 2025

Anant Gaur S/o Shri Lukut Ballabh Gaur, Aged About 32 Years,
R/o Krishna Vihar, Balaji Nagar, Kuchaman City, District Nagaur
(Raj.).

-----Petitioner

Versus

1.

State Of Rajasthan, Through Secretary, Department Of Revenue, Government Of Rajasthan, Jaipur.
2.

The Joint Secretary, Revenue (Group-I) Department, Rajasthan, Jaipur.
3.

The Registrar, Board Of Revenue, Rajasthan, Ajmer.

-----Respondents

For Petitioner(s)

:

Mr. Nikhil Bishnoi
Mr. Devendra Dulu

For Respondent(s)

:

Mr. Siddharth Pandey for
Mr. S.R. Paliwal, GC.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

10/07/2026

1.

The instant writ petition has been filed under Article 226 of the Constitution of India with the following prayers:

“.....xxxxxxx

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 Naib Tehsildar in respondent Department in pursuance of the order dated 25.05.2024 (Annex.8). 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.

xxxxxxx”

2. Brief facts of the case are that the petitioner was appointed as Assistant Engineer (Electrical) in Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) on 01.02.2017, and his services in that post were confirmed on 27.05.2019. Being eligible for the Rajasthan State and Subordinate Services Combined Competitive Examination, 2021, he applied and obtained a No Objection Certificate from RRVUNL on 26 August 2021. Subsequently, the petitioner was appointed to the post of Naib Tehsildar on 25.05.2024. He tendered his resignation from RRVUNL on 22.07.2024 on the ground of his selection for the Naib Tehsildar post; RRVUNL accepted this resignation on 03.08.2024, and the petitioner joined the Revenue Department as Naib Tehsildar on 05.08.2024. The employees of Vidyut Nigam are to be treated as state government employees for all purposes. It is averred by the petitioner that where a government employee takes up service in another department with proper permission and through the proper channel on a permanent basis, he is entitled to the benefits of his past service. Since the petitioner obtained prior permission from RRVUNL and his resignation was accepted on account of his selection in the Revenue Department, the petitioner claims entitlement to past service benefits under Rule 25(2) of the Rajasthan Civil Services (Pension) Rules, 1996, including regular pay scale and pensionary benefits. The petitioner submitted a representation requesting grant of these benefits, which the respondents have not redressed. Hence, this petition.

3. Counsel for the petitioner, at the outset, submits that the issue involved in the writ petition is squarely covered by the

judgment passed in the case of **Pooja Bhati v. State of Rajasthan & Ors. : SBCWP No.10732/2017** decided on 18.12.2017. Relevant part of the said judgment is reproduced hereunder:

“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.**”*

4. Counsel for the respondents is not in a position to refute the fact that the issue involved in the instant writ petition is squarely covered by the judgment passed in the case of *Pooja Bhati (supra)*.

5. Heard learned counsel for the parties.

6. Taking into consideration the submissions advanced by counsel for the parties, the present writ petition is also allowed in the same terms as in the case of *Pooja Bhati (supra)*.

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

8. Stay application as well as all other pending applications, if any, also stand disposed of.

(DR.NUPUR BHATI),J

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