

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

D.B. Special Appeal Writ No. 928/2022

Maharana Pratap University Of Agriculture And Technology,
Udaipur Through Its Registrar, Udaipur.

----Appellant

Versus

Narbada Shanker Ameta S/o Shri G.I Ameta, Resident Of Village
Titardi, Tehsil Girwa, District Udaipur (Rajasthan).

----Respondent

Connected With

D.B. Special Appeal Writ No. 933/2022

1. Maharana Pratap University Of Agriculture And Technology,
Udaipur, Through Its Registrar, Udaipur.
2. The Comptroller, Maharana Pratap University Of Agriculture
And Technology, Udaipur, District Udaipur.
3. The Dean, College Of Technology And Engineering, Udaipur.

----Appellants

Versus

Udai Lal Lohar S/o Shri Vala Ji, Resident Of Kalka Mata Road,
Plot No. 11, Payada Ganesh Nagar, Udaipur.

----Respondent

D.B. Special Appeal Writ No. 944/2022

Maharana Pratap University Of Agriculture And Technology,
Udaipur Through Its Registrar, Udaipur

----Appellant

Versus

1. Khemraj Dangi S/o Sh. Dalu Ji Dangi, R/o Of Bada Nokha,
Hiran Magri, Kumbha Nagar, Udaipur.
2. Sammad Khan S/o Late Sh. Noor Mohd, R/o Utari
Sundarwas, Makan No. 261, Udaipur.
3. Yar Mohd. Khan S/o Sh. Faiz Mohd., R/o Vada Purohitji Ka
Khura, Makan No. 50, Mahavat Vadi, Udaipur.
4. Omkar Lal Menariya S/o Sh. Mohan Lal Ji Menariya, R/o
Mukan Post Rundeda, Tehsil Vallabh Nagar, District Udaipur.
5. Mangi Lal Jalora S/o Sh. Udai Lal, R/o Mukam Chikalwas,
Post Loyara, Tehsil Girwa, District Udaipur.
6. Narendra Kumar Bhatt S/o Late Sh. Rama Kant Bhatt, R/o
15, Ashirwad, Behind Sajan Vatika, Rani Talai, Banswara.
7. Vithala S/o Sh. Kevji Ninama, R/o Kvk, Banswara.
8. Vithala S/o Sh. Kuriya, R/o Vorvat Farm, Banswara.
9. Rambhakat Sisodiya S/o Sh. Ekling Ji Sisodiya, R/o
Vishvidhiyala Colony, G I 5, Utari Sunderwas, Udaipur.
10. Shyam Lal Jhalora S/o Sh. Ramaji, R/o Mukam Chikalwas,
Post Loyara, Tehsil Girwa, District Udaipur.

11. Moti Lal Menariya S/o Late Sh. Ghasi Ram Ji, R/o Mukam Kharsan, Tehsil Vallabh Nagar, District Udaipur.
12. Mahendra Singh Rathore S/o Late Sh. Mangal Singh Rathore, R/o Shrinath Marg, Idar House, Makan No. 28, Udaipur.
13. Chittar Singh S/o Sh. Amba Dan, R/o Gram Churli, Post Patan, Tehsil Kishangarh, District Ajmer.
14. Laxmi Lal Nagrechi S/o Late Sh. Mohan Lal Nagrechi, R/o Igmri Colony, 3/6, Ctae Campus, Udaipur.
15. Devi Lal Bhoi S/o Sh. Kalu Lal, R/o Raj Bhoi Vada, Chota Udaipur.
16. Meghraj Dangi S/o Sh. Parna Ji Dangi, R/o Daniyo Pacholi, Makan No. 99, Post Bhoiyo Ki Pacholi, Girwa, Udaipur.
17. Laxmi Lal Bhardwaj S/o Late Sh. Bhanwar Lal Ji, R/o Bhatiyani Chohta, Suthar Vada 48, Udaipur.
18. Velnath Gehlot S/o Late Sh. Padamnath Ji, R/o Mukam Post Jhallara, Tehsil Salumbar, District Udaipur.
19. Gangaram Dangi S/o Sh. Kana Ji Dangi, R/o Savina, Tehsil Girwa, Udaipur.
20. Bheru Lal Joshi S/o Sh. Jeetmal Ji Joshi, R/o Mukam Kalval, Post Sakeda Via Bhidar, Tehsil Vallabhnagar, Udaipur.
21. Tulsi Ram Dave S/o Sh. Udai Ram Ji Dave, R/o 2/16, Shivaji Nagar, Housing Board, Dungarpur.
22. Shivshanker Paliwal S/o Sh. Bhanwar Lal Ji Paliwal, R/o Mukam Gudali, Tehsil Bhawli, Udaipur.
23. Ram Lal (Rathore) Bhoi S/o Late Sh. Kodar Ji, R/o University Colony, Utari Sundarwas, F16, Udaipur.
24. Shanker Singh Gehlot S/o Late Sh. Lal Singh Gehlot, R/o 15, Tulsi Vila, Ramgir, Badganv, Udaipur.
25. Shaitan Singh S/o Late Sh. Baldev Singh, R/o Village Chandrani, Post Chandrani, Tuluka Himatnagar, (Zila) Sanwarfata, Udaipur.
26. Nand Lal S/o Late Bhanwar Lal Ji Vairagi, R/o Pahada, Hanumanchow, Ganesh Nagar, Makan No. 252, Udaipur.
27. Murad Khan S/o Vazir Khan, R/o Makan Khoji Peer, Kadak Ji Ka Chowk, I 2 I, Udaipur.
28. Kesar Singh S/o Anop Singh, R/o University Campus, Ctar, Uatri Sundarwas, Udaipur.
29. Laxman Singh Chundawat S/o Anop Singh, R/o Khandu Colony, Sector No. 8 Behind Girls School, Banswara.
30. Shakeel Ahmed S/o Sh. Raja Mohammad, R/o Near Kakod Gate School Uniyara, District Tonk.
31. Jagannath Kushwaha S/o Sh. Kanhaiyalal, R/o Borkheda Mandi Pada, District Kota.
32. Hemraj Kushwah S/o Sh. Chotulal, R/o Village Jalkheda, Post Kheda Rasul Pur, Via Kethun Tehsil Ladpura, District

Kota.

33. Tarachand Kushwah S/o Sh. Gajananand Kushwaha, R/o Adarsh Colony, Malarod In Front Of 27 I Ke Samne, District Kota.
34. Nand Singh Rajawat S/o Shiv Brahm Singh, R/o Yatrik Krishi Farm, Umaid Ganj, Kota.
35. Ghanshyam Prasad S/o Madan Lal, R/o Yatrik Krishi Farm, Umaid Ganj, Kota.
36. Babu Lal Kushwaha S/o Sh. Kanharam Ji, R/o Bor Kheda Mandi, Pada, Kota.
37. Ram Kumar Joshi S/o Ghansi Lal Sharma, R/o Ars Umaid Ganj Kota.
38. Jagdish Prasad Kushwaha S/o Kanha Ram Ji, R/o Bor Kheda Mandi Pada Kota.
39. Agriculture University, Kota Through Its Registrar.

----Respondents

D.B. Special Appeal Writ No. 973/2022

1. Maharana Pratap University Of Agriculture And Technology, Udaipur Through Its Registrar, Udaipur.
2. The Comptroller, Maharana Pratap University Of Agriculture And Technology, Udaipur, District Udaipur.
3. The Dean, College Of Technology And Engineering, Udaipur.

----Appellants

Versus

Bhanwar Lal Mali S/o Shri Devi Lal Mali, Resident Of 8 Maliwada, Behind Ashwani Bazar, Udaipur.

----Respondent

D.B. Special Appeal Writ No. 1029/2022

Maharana Pratap Uni. Of Ag. And Tec. And Anr, Udaipur Through Its Registrar, Udaipur.

----Appellant

Versus

1. Tejmal Kushwah S/o Sh. Hariballabh, Resident Of Jalkhera, Tehsil Ladpura, District Kota. (Presently Working As Driver At Ars Kota)
2. Kamal Prasad S/o Sh. Prahalad, R/o Indira Gandhi Nagar Power House, Hanuman Mandir, P.o. Shri Ram Nagar, Kota. (Presently Working As Driver At Maf Kota)
3. Agriculture University Kota, Through Its Registrar

----Respondents

D.B. Special Appeal Writ No. 1052/2022

Vishnu Narayan Sharma S/o Shri Ayodhya Prasad Sharma, Aged About 68 Years, Resident Of C/o Rajasthan College Of Agriculture, Udaipur At Present Residing At 16/1160, Takdiya Building North Aayad, Udaipur (Rajasthan).

----Appellant

Versus

Maharana Pratap University Of Agriculture And Technology,
Udaipur Through Its Registrar.

----Respondent

For Appellant(s) : Mr. G.R. Punia, Sr. Adv.
Mr. Rajesh Punia
For Respondent(s) : Mr. Mukesh Vyas

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH

Judgment

1. Date of conclusion of arguments	23.03.2026
2. Date on which judgment was reserved	23.03.2026
3. Whether the full judgment or only the operative part is pronounced:	Full Judgment
4. Date of pronouncement	02.06.2026

Per Dr. Pushpendra Singh Bhati, J:

1. The present batch of D.B. Special Appeals (Writ), filed under Article 225 of the Constitution of India read with Rule 134 of the Rajasthan High Court Rules, 1952, assail the common order dated 01.09.2022 passed by the learned Single Judge in *S.B. Civil Writ Petition No.4173/2009, Narbada Shanker Ameta Vs. Maharana Pratap University of Agriculture & Technology, Udaipur and connected matters*, whereby the writ petitions were allowed and directions were issued to grant the writ-petitioners the pay scale of Rs.5500-9000 upon completion of 18 years of service qua second selection grade and the pay scale of Rs.6500-10500 upon completion of 27 years of service qua third selection grade, along with consequential benefits in accordance with law.

1.1. The present batch also includes D.B. Special Appeal (Writ) No.1052/2022, Vishnu Narayan Sharma Vs. Maharana Pratap University of Agriculture & Technology, Udaipur, arising out of order dated 06.09.2022 passed by the learned Single Judge whereby the writ petition preferred by the appellant seeking grant of higher selection grades in terms of the Circular dated 25.01.1992 came to be dismissed.

1.2. At the outset, this Court deems it appropriate to classify the present batch of appeals into two categories, having regard to the distinct factual and service-related issues involved therein:-

(i) Category-I: D.B. Special Appeal (Writ) Nos. 928/2022, 933/2022, 944/2022, 973/2022 and 1029/2022 arising out of cases relating to Drivers/Assistant Mechanics and similarly situated employees, wherein the principal controversy pertains to entitlement of higher second and third selection grades despite the pay scales of Junior Mechanic and Senior Mechanic being identical, i.e., Rs.5000-8000. The controversy in these matters substantially emanates from the order dated 22.04.2008 passed pursuant to the earlier litigation in Bhanwar Lal Mali & Ors. Vs. Maharana Pratap Agriculture University & Ors.

(ii) Category-II: D.B. Special Appeal (Writ) No. 1052/2022 (Vishnu Narayan Sharma Vs. Maharana Pratap University of Agriculture & Technology & Anr.), involving distinct issues pertaining to initial appointment, promotional status,

seniority and cadre history concerning the post of Assistant Mechanic/Junior Mechanic (Electrical).

1.3. Since the controversy involved in Category-I matters is substantially common, the same are being decided by treating D.B. Special Appeal (Writ) No. 973/2022 [arising out of S.B. Civil Writ Petition No.1870/2009 – Bhanwar Lal Mali Vs. Maharana Pratap University of Agriculture & Technology & Ors.] as the lead case, whereas the appeal pertaining to Vishnu Narayan Sharma is being dealt with separately under Category-II.

2. The writ-petitioners falling under Category-I were initially appointed on different dates on the posts of Driver, Carpenter and other similarly situated technical posts under the respondent-University. In the lead case, namely Bhanwar Lal Mali, the writ-petitioner was appointed on the post of Carpenter vide order dated 13.02.1968 and retired from service on 31.03.2005. Similarly, in connected matters, the employees were appointed as Drivers/Carpenters and were granted first, second and third selection grades upon completion of 9, 18 and 27 years of service respectively.

2.1. Earlier, certain similarly situated employees preferred S.B. Civil Writ Petition No.2161/2005, Bhanwar Lal Mali & Ors. Vs. Maharana Pratap Agriculture University & Ors., seeking grant of selection grades corresponding to the next promotional posts available in the cadre. The said writ petition came to be disposed of on 27.02.2008 directing the respondent-University to

reconsider the cases of the petitioners in accordance with the applicable Rules.

2.1.1. Pursuant thereto, the respondent-University issued order dated 22.04.2008, whereby Drivers/Assistant Mechanics were granted first selection grade in the pay scale of Junior Mechanic (Rs.5000-8000) on completion of 9 years of service, second selection grade in the pay scale of Senior Mechanic (Rs.5000-8000) on completion of 18 years of service with additional increments under Rule 26-A of the Rajasthan Service Rules, 1951 (hereinafter referred to as "*Rules of 1951*"), and third selection grade in the pay scale of Foreman (Rs.5500-9000) on completion of 27 years of service.

2.1.2. The grievance of the writ-petitioners was that despite completion of 18 years of service, they were again granted the same pay scale of Rs.5000-8000, which had already been granted upon completion of 9 years of service, thereby depriving them of actual financial upgradation. The writ-petitioners accordingly claimed entitlement to the higher pay scales of Rs.5500-9000 and Rs.6500-10500 upon completion of 18 and 27 years of service respectively in terms of the Circulars/Notifications dated 25.01.1992 and 17.02.1998. The learned Single Judge accepted the said contention and allowed the writ petitions vide common order dated 01.09.2022.

2.2. Insofar as the case of Vishnu Narayan Sharma is concerned, the appellant-writ petitioner was initially engaged as a casual worker and was thereafter appointed on the post of Assistant

Mechanic in the pay scale of Rs.295-500 on ad hoc basis vide order dated 12/13.09.1978. Subsequently, vide order dated 04.03.1986, he was granted the higher pay scale of Rs.490-840 and was adjusted against a vacant post of Junior Mechanic (Electrical).

2.2.1. Thereafter, disputes arose regarding his cadre placement and seniority position, inasmuch as the respondent-University treated him in the cadre of Electrician-cum-Plumber instead of Junior Mechanic. The appellant earlier preferred S.B. Civil Writ Petition No.1190/2003 challenging the said action, which came to be dismissed vide order dated 09.03.2009, and the special appeal preferred thereagainst also came to be dismissed on 10.01.2011.

2.2.2. Subsequently, relying upon the order dated 22.04.2008 and the promotional hierarchy applicable to Assistant Mechanic/Junior Mechanic, the appellant claimed entitlement to selection grades in the pay scales of Rs.5000-8000, Rs.6500-10500 and Rs.8000-13500 upon completion of 9, 18 and 27 years of service respectively. The writ petition preferred by him, however, came to be dismissed by the learned Single Judge vide order dated 06.09.2022, giving rise to the present appeal.

3. Mr. G.R. Punia, learned Senior Counsel assisted by Mr. Rajesh Punia appearing for the appellants–University authorities in the Category–I matters, submitted that the learned Single Judge committed an error in allowing the writ petitions preferred by the respondent-employees, including Bhanwar Lal Mali, and directing

grant of second and third selection grades in the higher pay scales of Rs. 5500-9000 and Rs. 6500-10500.

3.1. It was contended that under the Circulars dated 25.01.1992 and 17.02.1998, the benefit of selection grade, wherever promotional avenues are available in the cadre, has to be granted strictly in terms of Para 4 of the Circulars, i.e., in the pay scale of the next promotional post. Para 5, providing grant of higher corresponding pay scales, was stated to be applicable only in exceptional contingencies, namely where no promotional post exists, where the employee lacks requisite qualifications, or where the post is an isolated one.

3.1.1. Learned Senior Counsel submitted that the respondents-writ petitioners were working in cadres having a well-defined promotional hierarchy from Driver/Assistant Mechanic to Junior Mechanic, thereafter to Senior Mechanic and Foreman. Therefore, the learned Single Judge could not have directed grant of higher selection grades dehors the cadre structure and promotional pay scales. It was further argued that although, pursuant to the Samta Samiti recommendations and revision of pay scales, the posts of Junior Mechanic and Senior Mechanic came to carry the same pay scale of Rs. 5000-8000, such parity in pay scale did not obliterate the promotional hierarchy itself, nor could it be treated as financial stagnation warranting application of Para 5 of the Circulars.

3.1.2. Learned Senior Counsel further submitted that employees who earned actual promotion in the cadre were also

entitled only to the same pay scale along with admissible increments under Rule 26A of the Rajasthan Service Rules, and therefore grant of still higher pay scales to employees who had not earned promotion would create an anomalous situation and violate the principle of parity amongst similarly situated employees in the same cadre.

3.1.3. It was also argued that the learned Single Judge erred in relying upon the judgments rendered in ***Shiv Lal Panchariya & Ors. Vs Rajasthan Agriculture University, Bikaner (S.B. Civil Writ Petition No. 8301/2008***, decided by this Hon'ble Court on 14.05.2009 and the said order dated 14.05.2019 was affirmed by the Division Bench of this Hon'ble Court and further by the Hon'ble Apex Court, as indicated in the impugned order dated 01.09.2022) and ***Sohan Lal Mathur vs State of Rajasthan (S.B. Civil Writ Petition No. 3631/2008, 17.11.2008***, decided by this Hon'ble Court on 17.11.2008) without considering the later Division Bench judgment in ***Suresh Kumar & Ors. Vs. State of Rajasthan (D.B. Civil Writ Petition No. 10493/2011***, decided by this Hon'ble Court on 17.09.2013), wherein the peculiar issue arising out of identical pay scales in feeder and promotional posts had been considered. According to learned counsel, the said judgment clearly supported the stand of the appellants that mere identity of pay scale between promotional posts does not entitle an employee to claim higher selection grades under Para 5.

3.2. So far as the Vishnu Narayan Sharma matter is concerned, learned counsel appearing for the appellant-writ petitioner, submitted that the learned Single Judge erred in dismissing the writ petition while holding that the appellant had already availed three financial upgradations and was therefore not entitled to any further selection grade.

3.2.1. It was contended that the appellant was initially appointed on the post of Assistant Mechanic and, under the applicable Recruitment and Promotion Rules, the next promotional post in the cadre was Junior Mechanic carrying the pay scale of Rs. 5000-8000. Learned counsel submitted that though the appellant was entitled to the first selection grade in the pay scale of Junior Mechanic upon completion of nine years of service, the said benefit was wrongly denied/cancelled by the University despite existence of a promotional avenue.

3.2.2. Learned counsel further submitted that the appellant was ultimately promoted to the post of Junior Mechanic vide order dated 30.09.2004, which itself established the promotional hierarchy in the cadre. Reliance was placed upon the University orders dated 22.04.2008, corrigendum dated 06.05.2008 and clarification dated 03.10.2001 to contend that Junior Mechanics carrying the pay scale of Rs. 5000-8000 were entitled to corresponding higher selection grades of Rs. 5500-9000, Rs. 6500-10500 and Rs. 8000-13500.

3.2.3. It was further argued that the posts of Driver and Assistant Mechanic constituted feeder posts for promotion to Junior

Mechanic and employees holding the post of Driver had already been granted the benefit of higher selection grades pursuant to the judgment rendered in *Narbada Shanker Ameta* and connected matters. Therefore, denial of similar benefit to the appellant despite parity in cadre structure and promotional avenue was stated to be arbitrary and discriminatory.

4. *Per contra*, learned counsel appearing for the respondents-writ petitioners in the Category-I matters supported the orders passed by the learned Single Judge and submitted that the respondents had remained stagnated in service despite rendering long years of service and were therefore rightly held entitled to the benefit of higher selection grades.

4.1. It was submitted that though promotional posts formally existed in the cadre, the posts of Junior Mechanic and Senior Mechanic ultimately carried the same pay scale of Rs. 5000-8000 after revision pursuant to the Santa Samiti recommendations and notification dated 01.02.1992. Consequently, the respondents, despite becoming eligible for higher promotional posts, derived no real financial advancement, thereby defeating the very object underlying the scheme of selection grades introduced to remove stagnation in service.

4.1.1. Learned counsel submitted that the Circulars dated 25.01.1992 and 17.02.1998 were required to be interpreted purposively, and once the feeder post and promotional post carried identical pay scales, the respondents could not be denied corresponding higher selection grades merely on technical

existence of promotional avenues. It was argued that the learned Single Judge rightly held that grant of the same pay scale on promotion could not amount to a meaningful financial upgradation.

4.1.2. Learned counsel further submitted that similarly situated employees, particularly Drivers and other employees in identical cadres, had already been granted the benefit of second and third selection grades in the higher pay scales of Rs. 5500-9000 and Rs. 6500-10500 pursuant to the judgment rendered in *Narbada Shanker Ameta v. MPUAT & Ors.* and connected matters, which judgment had attained finality. Therefore, denial of identical benefits to the present respondents would amount to hostile discrimination amongst employees similarly situated within the same establishment.

4.1.3. Reliance was also placed upon the judgments rendered in ***Shiv Lal Panchariya (supra)*** and ***Sohan Lal Mathur (supra)*** to contend that where the feeder post and promotional post carry the same pay scale, employees are entitled to higher corresponding selection grades so as to avoid financial stagnation. It was submitted that the learned Single Judge had rightly followed the aforesaid judgments while allowing the writ petitions.

4.2. In relation to the Vishnu Narayan Sharma matter, learned counsel appearing for the respondent-University supported the impugned order dated 06.09.2022 passed by the learned Single Judge dismissing the writ petition and submitted that the appellant had already availed the requisite financial upgradations

under the applicable scheme and was therefore not entitled to any additional benefit.

4.2.1. It was contended that the appellant had initially been granted first higher pay scale on 05.03.1986, second selection grade on 13.09.1996 and third selection grade with effect from 13.09.2005, and was further promoted to the post of Junior Mechanic on 30.09.2004. Thus, the requirement of three financial upgradations contemplated under the Circular dated 25.01.1992 already stood satisfied in his case.

4.2.2. Learned counsel submitted that under the applicable Recruitment and Promotion Rules, the next promotional post for Assistant Mechanic was Junior Mechanic carrying the pay scale of Rs. 5000-8000, and therefore the appellant could not claim still higher pay scales contrary to the cadre structure. It was argued that the appellant had already derived the benefit of promotion as well as selection grades and could not seek repeated financial upgradations beyond the scheme itself.

4.2.3. It was further submitted that the cases relating to Drivers and other employees relied upon by the appellant were distinguishable on facts and service conditions, and no parity could be claimed as a matter of right.

4.3. Learned counsel thus prayed that the appeal preferred by Vishnu Narayan Sharma deserved dismissal, whereas the appeals preferred by the University authorities in the Category-I matters deserved to be allowed.

5. This Court has thoughtfully considered the rival submissions advanced at the Bar and carefully perused the material available on record, including the Circulars/Notifications dated 25.01.1992 and 17.02.1998, the Rajasthan Civil Services (Revised Pay Scales) Rules, 1989 (hereinafter referred to as "*Rules of 1989*"), the Rules of 1951, the Recruitment and Promotion Rules governing the services of the employees concerned, as well as the judgments cited at the Bar.

6. Insofar as the matters falling under Category-I are concerned, the principal issue requiring adjudication before this Court is whether the writ-petitioners, despite completion of 18 and 27 years of service, could validly be denied higher second and third selection grades merely because the posts of Junior Mechanic and Senior Mechanic, after revision pursuant to the recommendations of the Samta Samiti and notification dated 01.02.1992 issued under the Rajasthan Civil Services (Revised Pay Scales) Rules, 1989, came to carry an identical pay scale of Rs.5000-8000.

6.1. For ready reference, the relevant provisions of the Circular dated 25.01.1992 are reproduced hereinbelow:-

"4. (i) The first Selection Grade, wher-ever admissible in terms of this order shall be the pay scale of the next promotion post in the same service/cadre i.e. Class-IV/Ministerial/Subordinate Service; provided that in case there is no next promotion post in the same service/cadre or the employee does not possess academic qualifications prescribed for promotion and in respect of the isolated posts, the first Selection Grade shall be the pay scale corresponding to his existing pay scale as specified in paragraph 5.

(ii) The second Selection Grade, wherever admissible, in terms of this order, shall be the pay scale of the second promotion post available to that employee in the same service/cadre; provided that in case there is no second promotion post in the same service/cadre or the employee does not possess academic qualifications prescribed for promotion and

in respect of the isolated posts, the second Selection Grade shall be the pay scale corresponding to his existing pay scale (pay scale of the post held or the selection grade), as specified in paragraph 5.

(iii) The third Selection Grade, wherever admissible, in terms of this order, shall be the pay scale of the third promotion post available to that employee in the same service/cadre; provided that in case there is no third promotion post in the same service/cadre or the employee does not possess academic qualifications prescribed for promotion and in respect of the isolated posts, corresponding to his existing pay scale (pay scale of the post held or the selection grade) as specified in paragraph 5.

5. In case there is no post for first, second or third promotion, as the case may be, in the same service/cadre or the employee does not possess academic qualifications prescribed for promotion and in respect of the isolated posts, the Selection Grades shall be as specified below:-

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. .*

Note - if an incumbent of the isolated post or a person not possessing academic qualifications prescribed for promotion has been granted selection grade before issue of this order and such selection grade is higher than that indicated in this paragraph, he will continue to draw pay in such selection grade as personal to him but the second or third selection grades shall be determined with reference to the first or second Selection Grade which would have been admissible in terms of this paragraph."

6.2. A conjoint reading of the Circular dated 25.01.1992, Circular dated 17.02.1998, the Rules of 1951 and the Rules of 1989 makes it clear that the scheme of selection grades was introduced with the object of removing stagnation in service and ensuring meaningful financial progression to employees who remain deprived of actual promotional benefits for long periods.

6.2.1. Clause 4 of the Circular dated 25.01.1992 contemplates grant of selection grades corresponding to promotional posts where promotional avenues exist. At the same time, the scheme cannot be interpreted in a manner that renders successive conferment of selection grades wholly ineffective or devoid of any practical financial progression. The Circular, being intended to

address stagnation in service, requires a purposive construction consistent with its underlying object.

6.2.2. Although Para 5 specifically governs situations involving absence of promotional avenues, isolated posts or lack of prescribed qualifications, the underlying object emerging from the scheme remains to ensure effective financial progression where regular promotional advancement does not meaningfully operate in practice. The present controversy is therefore required to be examined in the backdrop of the overall object and operation of the scheme.

6.3. In the present set of cases, it is not disputed that after revision of pay scales pursuant to the recommendations of the Samta Samiti under the Rajasthan Civil Services (Revised Pay Scales) Rules, 1989, both the posts of Junior Mechanic and Senior Mechanic came to carry the same pay scale of Rs.5000-8000. Consequently, though the writ-petitioners were notionally granted second selection grade upon completion of 18 years of service, they continued to remain in the very same pay scale which had already been granted earlier.

6.4. This Court finds that the learned Single Judge, while relying upon the judgments rendered in ***Shiv Lal Panchariya (supra)*** and ***Shravan Kumar (S.B. Civil Writ Petition No. 2156/2007, decided by this Hon'ble Court on 05.09.2008)***, observed that the object of the scheme introduced vide Circular dated 25.01.1992 was to ensure actual financial upgradation and remove stagnation in service. It was held therein that where the feeder post and the

promotional post carry the same pay scale, grant of an unchanged pay scale despite successive stages under the scheme may, in a given factual context, substantially dilute the intended financial progression contemplated under the Circular. The said judgments further clarified that the scheme cannot be interpreted in a manner which deprives an employee of meaningful financial progression despite completion of long years of service. The employees cannot be denied actual financial progression merely because the employer subsequently revised the pay scales of promotional posts to the same level.

6.5. This Court observes that in the peculiar factual circumstances of the present matters, the formal existence of promotional posts carrying identical pay scales cannot, by itself, be treated as constituting effective financial progression for the purposes of the selection grade scheme.

6.6. The apprehension expressed by the appellants-University regarding anomalies in the promotional hierarchy deserves consideration. However, the controversy in the present matters pertains only to effective financial progression under the selection grade scheme in circumstances where successive selection grades resulted in continuation of employees in identical pay scales.

6.7. This Court also finds that the interpretation adopted herein is broadly consistent with the view taken in Shiv Lal Panchariya and connected matters involving similarly situated employees under the Agricultural Universities. While mere extension of benefit in earlier cases cannot by itself create an enforceable right contrary

to the governing scheme, consistency in interpretation assumes relevance where the underlying factual and legal position remains substantially identical.

6.8. So far as reliance placed by the appellants-University upon the judgment rendered in **Suresh Kumar (supra)** is concerned, this Court finds that the factual matrix involved therein stood materially distinguishable and did not deal with a situation where successive conferment of selection grades resulted in continuation of the employees in identical pay scales despite progression under the scheme. The controversy in the present matters therefore arises in a distinct factual and operational context concerning effective financial progression under the Circular dated 25.01.1992.

6.9. In view of the aforesaid discussion, this Court finds no infirmity in the common order dated 01.09.2022 passed by the learned Single Judge directing grant of the pay scale of Rs.5500-9000 upon completion of 18 years of service and Rs.6500-10500 upon completion of 27 years of service in accordance with law. The appeals preferred by the University authorities in Category-I matters therefore deserve dismissal.

7. Insofar as the second category of cases, namely the matter relating to Vishnu Narayan Sharma, is concerned, this Court finds that the controversy involved therein stands on a distinct factual footing from the cases falling in Category-I and therefore requires independent consideration.

7.1. The record reflects that the appellant-writ petitioner was initially appointed as Assistant Mechanic on ad hoc basis vide order dated 13.09.1978. Thereafter, vide order dated 04.03.1986, he was granted the higher pay scale of Rs.490-840 and was adjusted against a vacant post of Junior Mechanic. Subsequently, disputes arose regarding his cadre placement and seniority position, inasmuch as the respondent-University treated him in the cadre of Electrician-cum-Plumber instead of Junior Mechanic. The appellant earlier assailed the said action by filing S.B. Civil Writ Petition No.1190/2003, which came to be dismissed vide order dated 09.03.2009, and the special appeal preferred thereagainst also stood dismissed on 10.01.2011. Thus, the issue relating to his cadre status attained finality.

7.2. This Court has carefully considered the Circular dated 25.01.1992 issued under the Rules of 1951 along with the cadre hierarchy under the Rules of 1989. A conjoint reading thereof makes it clear that the scheme contemplated grant of financial progression corresponding to promotional avenues available in the cadre structure so as to avoid stagnation in service. At the same time, the scheme was never intended to create an unlimited or recurring entitlement to claim repeated higher pay scales dehors the structure and limitations of the scheme itself.

7.3 This Court observes that the learned Single Judge, while passing the impugned order dated 06.09.2022, has specifically examined the service record of the appellant-writ petitioner and rightly recorded that the appellant had already been granted

higher pay scale/promotion benefit pursuant to order dated 04.03.1986, second selection grade on 13.09.1996, promotion to the post of Junior Mechanic on 30.09.2004 and thereafter third selection grade w.e.f. 13.09.2005. Thus, the appellant had already availed the financial upgradations contemplated under the Circular dated 25.01.1992.

7.4. This Court further finds that the appellant cannot selectively rely upon the promotional hierarchy under the Rules of 1989 while simultaneously overlooking the fact that the benefit flowing from the Circular dated 25.01.1992 already stood availed by the appellant to the extent admissible under the scheme. Acceptance of the appellant's contention would effectively amount to permitting repeated financial upgradations beyond the framework of the scheme itself, which would travel beyond the stagnation-removal object underlying the Circular dated 25.01.1992 and is therefore impermissible in law.

7.5. The reliance placed by the appellant upon the judgments rendered in ***Narbada Shanker Ameta and connected matters (S.B. Civil Writ Petition No.4173/2009, decided on 01.09.2022)*** is also misplaced. In the said matters, the Coordinate Bench was dealing with a situation where the employees, despite long years of service, continued to remain confined to identical pay scales, thereby frustrating the very object of the selection grade scheme. The said cases arose in a distinct factual context where the employees continued to remain in identical pay scales despite successive stages of service

progression, and it was in that backdrop that reliance came to be placed upon the judgments rendered in ***Shiv Lal Panchariya (supra)*** and ***Shravan Kumar (supra)*** for holding that successive selection grades could not be rendered illusory by grant of the same pay scale.

7.6. The factual position in the present case stands materially distinguished. The appellant herein was not denied financial progression during service. Rather, the record clearly demonstrates that he had already availed multiple financial upgradations as well as promotional benefits during the course of service. The learned Single Judge has therefore rightly held that the controversy relating to grant of identical pay scale on successive selection grades does not arise in the appellant's case.

7.7. This Court also finds merit in the submission advanced on behalf of the respondent-University that the appellant cannot claim parity with Drivers or other employees merely on the basis of existence of a common feeder channel. The factual background, cadre placement and financial benefits already availed by the appellant materially distinguish his case from those relied upon by him.

7.8. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned order dated 06.09.2022 passed by the learned Single Judge does not suffer from any perversity, illegality or error apparent on the face of record warranting interference in intra-court appellate jurisdiction. The findings recorded therein are based upon proper appreciation of

the Circular dated 25.01.1992 issued under the Rules of 1951, the Rules of 1989 and the admitted factual position emerging from the service record of the appellant-writ petitioner.

7.9. Accordingly, the special appeal preferred by Vishnu Narayan Sharma, being devoid of merit, deserves dismissal.

8. Consequently, the instant D.B. Special Appeal (Writ) Nos. 928/2022, 933/2022, 944/2022, 973/2022 and 1029/2022 preferred by the University authorities, pertaining to Category-I matters, stand **dismissed**. The impugned order dated 01.09.2022 passed by the learned Single Judge is affirmed.

8.1. Further, D.B. Special Appeal (Writ) No.1052/2022 preferred by Vishnu Narayan Sharma, falling under Category-II, being devoid of merit, is also **dismissed**. The order dated 06.09.2022 passed by the learned Single Judge in the said matter is upheld.

8.2. All pending applications, if any, stand disposed of.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J

SKant/-