

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7850/2019

1. Pradeep Kumar Jain S/o Shri Jugal Kishor Jain, Aged About 62 Years, Resident of House No. 31, C/B Atwal Nagar, Near 80 Feet Road, Bajrang Nagar, Kota, Rajasthan
2. Smt. Beena Jain Wife of Shri Pradeep Kumar Jain, Resident of House No. 31, C/B Atwal Nagar, Near 80 Feet Road, Bajrang Nagar, Kota, Rajasthan

----Petitioners

Versus

1. State of Rajasthan, through Principal Secretary, Water Resources Department, Secretariat, Jaipur.
2. Secretary, Department of Personnel, Govt. Secretariat, Jaipur.
3. Chief Engineer, Department of Water Resources, Near Jaipur Railway Junction, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Pradeep Singh
For Respondent(s)	:	Mr. Saumil Sharma for Mr. G.K. Sharma, AGC

JUSTICE ANOOP KUMAR DHAND

Order

18/03/2025

1. By way of filing the instant petition, a prayer has been made by the petitioners for issuing direction to the respondents to provide the protection of their deceased son which was received by him in the State of Uttrakhand, while he was posted as Assistant Engineer there.
2. Learned counsel for the petitioners submits that son of the petitioners was appointed on the post of Assistant Engineer (Civil) on probation basis in Public Works Department (for short 'PWD') at

Uttarakhand, in the year 2014, thereafter, he participated in the process of selection for appointment on the post of Assistant Engineer in the State of Rajasthan and after he got selected was given appointment on the said post on 29.08.2016 and thereafter, he was relieved from the PWD (Uttarakhand) on 17.02.2017 and thereafter, he joined the new service in the State of Rajasthan on 22.02.2017, on the same post i.e. Assistant Engineer. Counsel submits that son of the petitioner was getting pay scale of Rs.56100-177500 at Uttarakhand but when he was given appointment in the State of Rajasthan his pay scale was fixed as Rs.15600-39100/- under the Grade Pay of Rs.5,400/-. Counsel submits that when the petitioner was working on the said post in the State of Uttarakhand he was getting a higher pay scale thus, he is entitled to the same Pay Scale in the State of Rajasthan. Counsel submits that unfortunately, son of the petitioner expired, hence, his parents have filed the instant petition seeking aforesaid direction.

3. Per contra, learned counsel for the respondents opposed the arguments raised by counsel for the petitioners and submitted that as per the notification issued by the Government of Rajasthan, Department of Finance dated 23.09.2014, a person who is in regular service with the Government of India or State Government, and is working on a higher post, then certainly he is entitled to get the last drawn salary. However, in the instant case, son of the petitioners was not posted on a higher post but he was posted to an equivalent post in the State of Rajasthan, hence, under these circumstances, he would not be entitled to get the salary as drawn by deceased in the State of Uttarakhand, and

would get the salary, as prescribed by the State of Rajasthan. Counsel submits that in view of the notification dated 23.09.2014, the petitioners are not entitled to get the aforesaid benefits.

4. Heard and considered the submissions made at Bar and perused the material available on the record.

5. Considering the arguments put forward by the counsel for the respondents and looking to the fact that son of the petitioner was holding the same post in the State of Uttrakhand, which was offered to him in the State of Rajasthan, and he was working on the same post, hence, under these circumstances, and in view of the notification dated 23.09.2014, he is not entitled for pay protection of the last salary drawn by him in the State of Uttrakhand. This Court finds no merit and substance in the instant petition. Accordingly, the instant writ petition stands dismissed.

6. Stay application as well as all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J