

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 509/2003

Rajendra Kumar S/O Shri Bhagirath Singh

-----Petitioner

Versus

State Of Raj And Anr

-----Respondents

For Petitioner(s) : Mr. Dharam Veer Tholia

For Respondent(s) : Mr. Vinod Kumar Gupta, AGC

HON'BLE MR. JUSTICE SAMEER JAIN

Order

27/11/2024

Learned counsel for the petitioner has submitted that petitioner was appointed as a Constable (Driver) in Police Department w.e.f. 19.12.1991 and remained in service as Driver (Constable) in M.T. Branch. Therefore, the petitioner is entitled for the M.T. allowance due to him. It is further submitted that according to Department Circular and Policy, once the appointment is made to the post of Constable (Driver), the allowance qua the said post, is necessarily to be paid to the said employee.

Per contra, learned counsel for the State has submitted that vide order dated 20.07.2000, the petitioner was transferred from Bikaner to Jhunjhunu at his own request as Constable (General). Thereafter, in compliance of the said order the petitioner joined his duty on the post of Constable (Driver) and thereafter performed duties as a Constable (General). Therefore, M.T. allowance is not due to the petitioner as petitioner was not working on the said post of Constable (Driver).

Considering the facts and circumstances, this Court directs the learned counsel for the State to file a reply as the fact averred qua the transfer on the post of Constable (General) is not reflected on the record.

List the matter 27.01.2025 for final disposal.

In the meantime, reply be filed.

(SAMEER JAIN),J