

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10372/2021

1. Shambhu Dayal Jat S/o Shri Sushi Lal Jat, Aged About 43 Years, R/o Vpo Bobadi Via Garvadi District Jaipur
2. Suresh Kumar Meena S/o Sukhlal Meena, R/o Village Raroti, Post Sambalpur Tehsil And District Baran
3. Rakesh Kumar Bairwa S/o Shri Deva Bairwa, R/o Village Aamli Purohitan Post Kalmanda Tehsil Malpura District Tonk
4. Ramswaroop Raiger S/o Shri Gangaram Raigar, R/o Near Chothmata Mandir, Raigar Mohalla, Jahajpur Bhilwara
5. Amar Singh Meena S/o Shriphoomba Ram Meena, R/o Vpo Rawatkhera Tehsil Jahajpur District Bhilwara
6. Murlidhar Sharma S/o Shri Radheyshyam Sharma, R/o Bank Gali, Jaliya Ii District Ajmer
7. Dr. Ram Singh Chouhan S/o Shri Gopal Singh, R/o Ner Jawala Pole, Jobner District Jaipur
8. Naresh Jangid S/o Devilal Carpenter, R/o 290, Shiv Colony, Chittorh Mog Bundi
9. Mukesh Kumar S/o Bhagwan Singh, R/o Village Manjipura, Post Tetarwas, Tehsil Dhod District Sikar
10. Diwan Chand S/o Maniram, R/o B-38, Sainik Basti, V.r.t. Hospital District Churu

----Petitioners

Versus

1. Union Of India, Through Secretary Ministry Of Agriculture And Farmers Welfare, Department Of Agriculture Cooperation And Farmers Welfare, Government Of India New Delhi
2. State Of Rajasthan, Through Its Principal Secretary, Department Of Agriculture, Government Of Rajasthan, Government Secretariat Jaipur
3. The Commissioner, Directorate Of Agriculture, Pant Krishi Bhawan, Jaipur
4. The Joint Director Agriculture (Wuc)(Agronomy), Department Of Agriculture, Pant Krishi Bhawan, Jaipur

----Respondents

For Petitioner(s) : Mr. Amin Ali
Mr. Mohan Choudhary
For Respondent(s) : Mr. Rajendra Prasad Sharma
Mr. Hansraj Kuldeep, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

24/02/2026

1. Instant writ petition is preferred by petitioners with following prayer:

a) By an appropriate writ, order and direction in the nature thereof thereby the Order dated 29.7.2021 so far as payment of honorarium hiring services of for the retired employee as per Government of India prescribed rates and to the petitioners (old contractual employee) as per old rates may kindly be quashed and set aside being illegal, arbitrary and discriminatory.

b) By an appropriate writ order and direction the respondents may kindly be directed to pay honorarium to the petitioners as Rs.45000/-with Rs.2000/-conveyance and on Rs.30000/-with 1500/-conveyance on the post if Consultant / Technical Assistant, the case may be, in compliance of the guidelines issued by the Government of India vide Order dated 10.10.2018 from its effective date and further to pay arrear thereof along with 18% interest from due date to the date of payment.

2. Learned counsel for petitioners, while placing reliance upon the New Operational Guidelines of National Food Security Mission (NFSM) for the year 2018–19 and 2019–20, submitted that as per the guidelines prescribed by the Government of India, the honorarium payable to Advisors, Consultants and Technical Assistants has been revised. He further submitted that the petitioners are working as Technical Assistants and they are entitled to get honorarium at the rate of ₹30,000 per month with ₹1,500 as conveyance allowance. He also submitted that in the neighbouring State like MP, the Government has implemented the revised scheme of honorarium and making payment of honorarium as per revised guidelines with effect from 01.04.2019. He further submitted that the respondents, instead of implementing the scheme as per the revised guidelines, have issued an order mandating engagement of petitioners on pre-revised honorarium, only because services of the petitioners were continued under the orders of this Hon'ble Court.
3. Aforesaid contentions were opposed by learned counsel for the respondents and he submitted that the services of the petitioners were continued only at the intervention of this Court and the State has directed to engage them on the same terms and conditions which were prevalent at the time stay order granted by this Hon'ble Court. He also submitted that the State of Rajasthan is a poor State and, considering the economic condition, it is not possible for the State to implement all centrally sponsored scheme (CSS) in the same

manner as has been implemented by the neighbouring State.

4. Heard learned counsel for the parties and perused the material placed on record.
5. The brief controversy in the instant case is that the petitioners were engaged on contractual basis as Consultant/Technical Assistant under the National Food Security Mission Scheme, sponsored by the Government of India. The petitioners had earlier filed a writ petition (SB CWP No.5372/2010) before this Court wherein an order dated 29.02.2012 was passed in favour of the petitioners directing continuation of their services.
6. After the amended guidelines dated 10.10.2018, the honorarium on different contractual posts was revised by the Government of India. The Agriculture Department of State has issued an order dated 29.07.2021 regarding engagement of the present petitioners and other contractual employees who will be paid pre-revised honorarium. The petitioners have challenged the said order by filing the present writ petition.
7. The order dated 29.07.2021 issued by the Commissioner, Agriculture (Annexure-5) is reproduced as under:

उपरोक्त विषयान्तर्गत वित्तीय वर्ष 2021-22 के दौरान राष्ट्रीय खाद्य सुरक्षा मिशन-दलहन के तहत प्रोजेक्ट, मैनेजमेंट टीम हेतु सलाहकार/तकनीकी सहायक की संविदा पर सेवाएं लिये जाने के संबंध में वित्त विभाग, राजस्थान की आई.डी. संख्या 102102746 एवं सक्षम स्तर के द्वारा स्वीकृति प्रदान किये जाने के कर्म में निम्नानुसार निर्देश प्रदान किये जाते हैं—

1. कार्मिक विभाग के परिपत्र दिनांक 08.02.2018 के अनुसार जिले के लिये संलग्न (परिशिष्ट-01) पदों पर राष्ट्रीय खाद्य सुरक्षा मिशन अन्तर्गत सलाहकार/तकनीकी सहायक के रूप में कृषि एवं उद्यान विभाग के सेवानिवृत्त कार्मिक तथा राज्य के कृषि विश्वविद्यालयों के सेवानिवृत्त आचार्य/सह आचार्य/सहायक आचार्य की सेवाएं संविदा पर लिये जाने की स्वीकृति प्रदान की जाती है। इस हेतु दिशा-निर्देश संलग्न कर भिजवाये जा रहे हैं। दिशानिर्देशानुसार चयनित सेवानिवृत्त कार्मिकों से अनुबंध करने से पूर्व स्वीकृति/अनुमोदन हेतु प्रस्ताव कृषि आयुक्तालय को भिजवाये। कृषि आयुक्तालय के अनुमोदन उपरान्त ही सेवानिवृत्त कार्मिक से अनुबंध किया जावे। इस हेतु विज्ञप्ति राज्य स्तर से जारी की जा रही है।

2. सेवानिवृत्त कार्मिकों के अतिरिक्त माननीय उच्च न्यायालय जयपुर पीठ के द्वारा दिनांक 29.02.2012 के निर्णय की पालना में पूर्व से कार्यरत 14 संविदाकर्मियों को पूर्व संविदा शर्तों एवं पुराने मानदेय पर रखे जाने की स्वीकृति प्रदान की जाती है। अतः गत वित्तीय वर्ष में संतोषजनक रूप से कार्य कर रहे संविदाकर्मियों से संबंधित जिले के उप निदेशक कृषि एवं पदेन परियोजना निदेशक, आत्मा के साथ पूर्व शर्तों के आधार पर अनुबंध करे। अनुबंधित किये गये सलाहकार एवं तकनीकी सहायक के द्वारा कार्यालय उप निदेशक कृषि (वि०), जिला परिषद के अधीन कार्य किया जायेगा।

3. संविदा कर्मियों हेतु अनुबंध वर्ष 2021-22 के लिये किया जायेगा। भारत सरकार से अभी तक स्वीकृति 31 जुलाई 2021 तक की ही प्राप्त हुई है। ऐसी स्थिति में अनुबंध में यह उल्लेखित किया जायेगा कि भारत सरकार से आगामी अवधि की स्वीकृति प्राप्त नहीं होने की स्थिति में अनुबंध को किसी भी समय निरस्त किये जाने का अधिकार संबंधित उपनिदेशक का होगा।

संविदाकर्मियों के द्वारा राष्ट्रीय खाद्य सुरक्षा मिशन के कार्य करने के साथ भारत सरकार द्वारा इस हेतु समय-समय पर जारी दिशानिर्देशों की भी पालना की जायेगी।

सलाहकार एवं तकनीकी सहायको को मानदेय का भुगतान निम्न बजट मद से किया जावेगा:—

2401— फसल कृषि कर्म

196— जिला परिषदों/जिला स्तर की पंचायतों को सहायता।

(06)— जिला स्तरीय कृषि योजनाएँ

(20)— राष्ट्रीय खाद्य सुरक्षा मिशन—दलहन

12— सहायतार्थ अनुदान (गैर संवेतन)

41— संविदा सेवाएँ

संलग्न— उपरोक्तानुसार।

8. The material on record also indicates that pursuant to the guidelines dated 10.10.2018, the Government of Madhya Pradesh has revised the honorarium with effect from 01.04.2019. Learned counsel for the respondents has contended that the State of Rajasthan is having a poorer financial condition as compared to the State of Madhya Pradesh.
9. In order to compare the economic and financial condition of Rajasthan and Madhya Pradesh, reliance has been placed upon the Macro-Fiscal Landscape of the State of Rajasthan and Madhya Pradesh released in March, 2025, by the Niti Ayog. The set of different finances and tax devolution of each of the States are mentioned as under:

(1) State of MP Public Finances and Tax Devolutions:

➤ Madhya Pradesh's debt-to-GSDP ratio at 27.6 percent in 2022-23, is lower than that of a median State. But, its contingent liabilities at 3.3 percent of GSDP are higher those of a median State as of 2021-22. The State's fiscal and primary deficits are close to the levels of a median State, as of 2022-23. The State runs a

revenue surplus of 0.1 percent (2022-23) of GSDP, about 0.2 percentage points lower than that of a median State in the same year.

➤ As of 2022-23, the collects less revenue (15.4 percent of GSDP) through its own non-tax and own tax revenue including transfers from the Centre compared to a median State. Transfers from Centre account for 55 percent of its State's revenue receipts. The State's expenditure at 19 percent of its GSDP is about 5 percentage points lower than a median State, as of 2022-23.

➤ The debt sustainability analysis shows that under the baseline scenario- where growth, effective interest rates, and primary deficits continue at their 10-year averages the State's debt-to-GSDP ratio is projected to remain almost at the elevated level of 28.6 per cent by 2026-27. It's debt to GSDP ratio is projected to decline significantly only under scenarios of higher real growth, or lower primary deficit, or a combination of the two.

➤ The stat's share in the Taxes from Centre, as per the FC recommendations, increased from 7.5 percent under 14th Finance Commission to 7.9 percent under 15th FC. The State's share in the total grants-in-aid has also increased by 0.7 percentage points to 5 percent under the 15th FC, compared to the 14th FC (4.3 percent).

State of Public Finances and Tax Devolutions

➤ Rajasthan's debt-to-GSDP ratio at 35.3 percent in 2022-23 is higher than that of a median State. Its contingent liabilities at 7.9

percent of GSDP are also higher than those of a median State, as of 2021-22. The fiscal deficit at 4.3 percent and primary deficit at 2.2 percent are also higher compared to a median State, as of 2022-23. The State had a revenue deficit of 2.3 percent of its GSDP in 2022-23, while a median State runs a revenue deficit of 0.4 percent.

➤ The State's total revenue receipts (Own Tax, Own Non-Tax, and shared by the Centre) at 15.3 percent of its GSDP in 2022-23, are equal to what a median State collects. Its expenditure as a percentage of GSDP at 19.6 percent is lower than a median State.

➤ Debt Sustainability Analysis shows debt to GSDP ratios for the state to be mostly pessimistic. In the baseline scenario (where debt level, primary deficit, real GDP growth, real effective interest rate remain as they are), debt is predicted to increase by more than 5 percentage points in the next five years. Only in a combined scenario of higher growth and lower primary deficit is the debt predicted to decline. Its outstanding contingent liabilities are also quite high.

➤ The State's share in taxes from Centre through FC recommendations has increased from 5.5 percent under 14th FC to 6 percent under 15th FC. The State's share in the total grants-in-aid has also increased by 1.4 percentage points to 5.8 percent under the 15th FC, compared to the 14th FC.

10. The Rajasthan Budget for the financial year 2026–27 outlines a total outlay of approximately ₹6.11 lac crore, with total

expenditure estimated at ₹6.11 lac crore. The budget aims to boost the State economy and raise the per capita income. The budget outlay of Madhya Pradesh for the year 2026–27 is ₹4.38 lac crore and the budget is focused on women welfare and higher allocation for women-oriented schemes.

11. A comparison of the aforesaid indicates that the State of Rajasthan, which is the largest State in the country, is having more financial resources as compared to the State of Madhya Pradesh and the budget outlay is also greater than as that of the State of Madhya Pradesh.
12. Considering aforesaid, the ground raised by learned counsel for the respondents that the economic condition of the State of Rajasthan is poorer than that of the State of Madhya Pradesh is not convincing.
13. The NFSM is a Centrally Sponsored Scheme and functions under the strict guidelines issued by the Ministry of Agriculture and Farmers Welfare, Government of India. The new guidelines are already in place which have revised the honorarium payable to the persons engaged to implement the scheme.
14. The material on record clearly indicates that except the present petitioners, others were paid higher honorarium and only the petitioners were discriminated against. A copy of the order dated 29.02.2012 passed in Writ Petition Nos. 5372/2010, 5398/2010, 5254/2010, 5295/2010 and 5248/2010 indicates that a Coordinate Bench has disposed of the writ petitions with the following directions:

1. Respondents will not replace the petitioners by another set of contractual employees either directly or through placement agency, however, petitioners may be replaced by regularly selected candidates.
 2. In case mission comes to an end or is not continued in any other name then respondents would be at liberty to discontinue the employees. Till the mission is in operation, respondents are expected to continue petitioners if they are having sufficient work for them. In case volume of work is reduced then discontinuation of the employees would be after following the principle of "last come - first go".
15. The directions mentioned hereinabove clearly indicate that the respondents are under an obligation to continue the services of the petitioners as long as the mission scheme is continuing and one set of employees cannot be replaced with another set of contractual employees. If the scheme is revised and the honorarium is revised, then the respondents are under an obligation to make payment as per the revised guidelines and the denial of the same is clearly violative of Articles 14 and 16 of the Constitution of India.
16. In view of the discussion made hereinabove, the writ petition preferred by the petitioners is hereby allowed and Clause 2 of the order dated 29.07.2021 (Annexure-5), whereby the honorarium of the present petitioners has been fixed as per the old rates, being discriminatory, are hereby quashed and set aside. The respondents are directed to make payment to the petitioners in accordance with the guidelines dated 10.10.2018 with effect from 01.04.2019. The petitioners

shall also be entitled to arrears from the date when identically placed persons were paid by the Government of Rajasthan under the revised scheme.

17. With the aforesaid directions, the writ petition along with miscellaneous applications, if any, stand disposed of.

(ASHOK KUMAR JAIN),J