

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19137/2022

1. Bhanwar Lal Yadav S/o Shri Jagdish Yadav, Aged About 32 Years, R/o Vill Mundiya, Tehsil Pipplu District Tonk (Raj.).
2. Ram Kishan Vyas S/o Shri Jagdish Vyas, Aged About 37 Years, R/o Deori, Po Khohlya, Tehsil Uniara, District Tonk (Raj.).
3. Raju Soni S/o Shri Durga Lal Soni, Aged About 35 Years, R/o Chhota Takhta, Telyo Ki Gali, District Tonk (Raj.).
4. Dinesh Kmar Chouhdary S/o Shri Chanda Lal, Aged About 48 Years, R/o Raghunath Puri, Badatakhta, District Tonk (Raj.).
5. Mohd. Aqib S/o Shri Ahmed Miyan, Aged About 32 Years, R/o Maliyon Ki Gali, Aliganj Bawdi, District Tonk (Raj.).
6. Mohemmed Asrar S/o Shri Muzaffar Salim, Aged About 51 Years, R/o Forest Waley Mohalla Qafla, Near Masjid Ghole, Tonk (Raj.).
7. Sunil Kumar Mehra S/o Shri Prem Kumar Mehra, Aged About 37 Years, R/o Dhanna Talai, Kante Ke Samne, Tonk (Raj.).
8. Manoj Kumar Sharma S/o Shri Bhagwan Shay Sharma, Aged About 32 Years, R/o Vill-Po Mehandwas, Tonk (Raj.).
9. Balveer Gurjar S/o Shri Ramswaroop, Aged About 35 Years, R/o Zanavi Tandio Ke Paas, Ward No. 38, Purani Tonk, Jata Padha Purani Tonk, Tonk (Raj.).
10. Ziauddin S/o Mohammaddin, Aged About 35 Years, R/o Vill/po Darda Turki, Tehsil Peeplu, District Tonk, (Raj.).
11. Ramdas Sharma S/o Shri Goutam Prasad Sharma, Aged About 28 Years, R/o V/p Kakod, Tehsil/district Tonk, (Raj.).
12. Chetan Kumar Dhobi S/o Shri Brajmohan Dhobi, Aged About 28 Years, R/o Vill. Kheda, Po Ghotda, Tehsil Uniara, District Tonk (Raj.).
13. Ravindra Kumar S/o Shri Rajendra Kumar Tasera, Aged About 38 Years, R/o Gadhi Park, Geeta Mandir Ke Samne, Jaipur Road, Tonk (Raj.).

-----Petitioners

1. State Of Rajasthan, Through Principle Secretary, Department Of Medical And Health Services, Government Secretariat, Jaipur.
2. Director (Public Health), Medical And Health Services, Swasthya Bhawan, Jaipur (Raj.).
3. Members Secretary Cum Chief Medical Officer, Rajasthan Medicare Relief Society, Tonk (Raj.).
4. M/s Motherland Security And Labour Welfare Society, Through Its Proprietor, 36 Near Pansal Ring Road, Gurukul Vihar, Gayatri Nagar, Bhilwara (Raj.).

----Respondents

Connected With

S.B. Civil Writ Petition No. 12444/2023

1. Shahbaz Khan S/o Shri Mohammad Qasim Khan, Aged About 31 Years, R/o Mohalla Aliganj Boawri, Chouraha Panch Batti Road, Tonk (Raj.).
2. Mukesh Kumar Jat S/o Shri Chhitar Lal Jat, Aged About 38 Years, R/o Village Devpura Post Arniya Kedar District Tonk (Raj.).
3. Rameshwar Gurjar S/o Shri Ladu Ram Gurjar, Aged About 29 Years, R/o Village Saidabad, Ward No. 45, District Tonk (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Principle Secretary, Department Of Medical And Health Services, Government Secretariat, Jaipur.
2. Director (Public Health), Medical And Health Services, Swasthya Bhawan, Jaipur (Raj.).
3. Members Secretary Cum Chief Medical Officer, Rajasthan Medicare Relief Society, Tonk (Raj.).
4. M/s Motherland Security And Labour Welfare Society, Through Its Proprietor, 36 Near Pansal Ring Road, Gurukul Vihar, Gayatri Nagar, Bhilwara (Raj.).

----Respondents

For Respondent(s) : Ms. Sweekriti Sharma for
Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Judgment / Order

10/02/2026

1 These writ petitions raises common issue, hence all are tagged together and we are disposing of them with a common order with consent of learned counsel for the parties.

2 SB CWP No. 19137/2022 is filed by petitioners with following prayer:

It is therefore, humbly and most respectfully prayed that your lordships may very graciously be pleased to admit and allow this Civil Writ Petition and further:-

i. By issuing appropriate writ order or direction, respondent may be restrained from placing the services of the petitioners under placement agency instead of Rajasthan Medicare Relief Society and respondent may further be directed to continue with the services of the petitioners. ii.

ii. By issuing appropriate writ order or direction, the order dated 14.09.2022, 23.11.2022 and 29.11.2022 maybe quashed and set aside and respondents may be directed to continue with the services of the petitioners.

iii. By issuing appropriate writ order or direction, the respondents may be directed to make payments of salary in accordance the minimum wages as prescribed by the Government of Rajasthan from time to time and they further be directed to release arrears of minimum wages

from the date of appointment till date with the interest @ 9% p.a.

iv. That any other order or direction as this Hon'ble High Court may deem fair, just and proper in the facts and circumstances of the case may be passed in favour of the Petitioner.

3 SB CWP No.12444/2023 is preferred by petitioners with following prayer:

It is therefore, humbly and most respectfully prayed that your lordships may very graciously be pleased to admit and allow this Civil Writ Petition and further:-

i. By issuing appropriate writ order or direction, respondent may be restrained from placing the services of the petitioners under placement agency instead of Rajasthan Medicare Relief Society and respondent may further be directed to continue with the services of the petitioners. ii.

ii. By issuing appropriate writ order or direction, the order dated 14.09.2022, 23.11.2022 and 29.11.2022 maybe quashed and set aside and respondents may be directed to continue with the services of the petitioners.

iii. By issuing appropriate writ order or direction, the respondents may be directed to make payments of salary in accordance the minimum wages as prescribed by the Government of Rajasthan from time to time and they further be directed to release arrears of minimum wages from the date of appointment till date with the interest @ 9% p.a.

iv. That any other order or direction as this Hon'ble High Court may deem fair, just and proper in the facts and circumstances of the case may be passed in favour of the Petitioner.

- 4 During course of argument, learned counsel for petitioner(s) while placing reliance upon judgment **dated 02.09.2016 in SB CWP No.5231/2013 Rajesh and Anr. Vs. State of Rajasthan and Anr., judgment dated 22.01.2021 in SB CWP No.3435/2019 Dalip Singh and Ors. Vs. State of Rajasthan and Ors. and order dated 20.03.2017 in SB CWP No.953/2017 Pankaj Kumar Upadhyay Vs. State of Rajasthan and Ors.** submits that the petitioners are already working as contractual employee with RMRS but during their term of engagement, the employer has been changed and a private service provider was introduced by the respondents, which has been challenged before this Hon'ble Court, and after interim order, the petitioner(s) are directly serving under RMRS. He further referred judgment in case of **Rodu Lal Vs. State of Rajasthan in DB Civil Writ Petition No.11737/2024** decided by a Division Bench of this Court at Principal Seat, Jodhpur on 26.08.2025, further followed in **SB CWP No.549/2024 Hitendra Kumar Sharma Vs. State of Rajasthan** submits that the petitioners are entitled for minimum pay in pay scale scale and absorption under the Contractual Hiring of Civil Posts Rules, 2022 (hereinafter referred as "Rules of 2022").
- 5 Learned counsel for respondents admits that petitioner(s) are already working under the RMRS and are being paid directly by RMRS but if they pray for consideration and absorption under the Rules of 2022, then they may submit a representation and subject to screening by the Screening Committee appropriate order may be passed by the respondents.

- 6 Having considered the submissions and also the judgments as referred by learned counsel for petitioners, it is appropriate to dispose of these writ petitions along with all pending application with direction to the petitioner(s) to submit a representation for consideration of their absorption under the Rules of 2022, as also directed by a Division Bench of this Court at Principal Seat in case of **Rodu Lal (supra)**.
- 7 Considered the grievance raised herein, the petitioner(s) are given a liberty to submit a representation to the respondents-Authority within a period of 60 days raising all grounds and the respondents-Authority are directed to consider and decide the representation in light of ratio laid down in case of **Rodu Lal (supra)**, and other judgments as referred herein and Rules of 2022 but in case of deviation, decide with a reasoned and speaking order within a period of 60 days from date of receipt of representation. After the decision, the respondents are under an obligation to communicate the order to the petitioner(s) either by way of speed post or through E-mail, if petitioner(s) have provided E-mail in their representation. If the petitioner(s) are still aggrieved, they have a liberty to approach this Court with fresh petition.
- 8 Needless to say that if ratio is applicable upon facts of the case as claimed by the petitioner(s), then same benefits be extended, and the petitioner(s) be absorbed under the Rules of 2022.
- 9 In case, any of the petitioner(s) is not absorbed under the Rules of 2022 or not found suitable for absorption under the Rules of 2022 and his representation is rejected by the re-

spondent authority then the services of concerned petitioner(s) shall not be terminated except adopting the principle of natural justice.

- 10 With the aforesaid directions, the present writ petition(s) with pending application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J