

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 89/2019

Mohan Lal Sharma, (Deceased)

- 1/1. Ajay Kumar Sharma S/o Shri Vishnu Kumar Sharma,
Aged About 19 Years, R/o Gram Bainada Tehsil Bassi
District Jaipur, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principle Secretary To The
Government, Medical Health And Family Welfare
Department, Govt. Secretariat Jaipur Raj.
2. Director, Directorate Of Medical Health And Family Welfare
Service, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. Chief Medical And Health Officer (Cmho), Mini Swasthya
Bhawan, Main Road, Sethi Colony, Jaipur, Rajasthan
302004.
4. Senior Medical Officer In-Charge, Samudayik Swasth
Kedra Bassi Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Kapil Bhardhar with Mr. Ayush Sharma and Mr. Suresh Bairwa
For Respondent(s)	:	Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

24/02/2026

1. The instant writ petition is filed by the petitioner with
following prayer:-

"To direct the respondent to extend benefits of
second selection scale of Rs 1200-
2050(Corresponding scale 4000-6000) upon
completion of 18 years of service and third
selection scale of RS 1640-2900 (Corresponding
scale 5500-9000) upon completion of 27 years of
service as the case may be to the petitioner by

counting his service from the date of initial appointment and further to make fixation and pay all other consequential service and post retirement benefits accordingly and also to pay the arrear there of.

- ii. To issue any other appropriate writ, order or direction as may be deemed just and proper in the facts and circumstances of the case.
- iii. Order the cost of this writ petition in petitioner favour."

2. Learned counsel for the petitioner while placing reliance upon judgment in case of **State of Rajasthan and Ors. Vs. Chandra Shekhar And Ors. : DB Civil Special Appeal Writ No.994/2011** and judgment dated 20.08.2008 in case of **Chandra Shekhar & Others Vs. State of Rajasthan & Others : S.B. Civil Writ Petition No. 6909/2006**, submits that identical controversy was raised before this Court on earlier occasion in case of **Ratan Lal Sharma & Anr. Vs. State of Rajasthan & Ors.** and bunch of petitions where lead case is **Ratan Lal Sharma & Anr. Vs. State of Rajasthan & Ors. : S.B. Civil Writ Petition No. 8414/2012** and on basis of ratio laid down in case of **Chandra Shekhar & Others Vs. State of Rajasthan & Others** (supra), the issue was resolved by a Co-ordinate Bench of this Court. He further referred order dated 16.08.2018, passed by a Division Bench of this Court in case of **State of Rajasthan and Ors. Vs. Om Prakash Sharma and Ors. : D.B. Special Appeal Writ No.640/2013** and submits that even the SLP(Civil) preferred by the State has been dismissed.

3. Learned counsel appearing on behalf of the State submits that the petitioner may submit a representation along with copy of the judgment and same shall be examined by the respondents and

if ratio is applicable upon the facts of the petitioner then they will extend the same benefit to the petitioner.

4. Accordingly, the writ petition is disposed in light of ratio laid down in case of **Chandra Shekhar & Others Vs. State of Rajasthan & Others** (supra) and further in case of **State of Rajasthan and Ors. Vs. Chandra Shekhar And Ors.** (supra).

The respondents are directed to examine the case of the petitioner in light of judgment as referred hereinabove and if the case of the petitioner is covered by aforesaid ratio, then they are directed to extend same benefit to the petitioner, as extended therein. The respondents are directed to complete the examination and extend the benefit to the petitioner, if applicable, within a period of 90 days from date of receipt of copy of the order and also the representation of the petitioner.

5. Misc. application, if any, stands disposed.

(ASHOK KUMAR JAIN),J