



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 9950/2021

CNR: RJHC020575972021 | URN: CW / 22370U / 2021

Kishori Sharan Sharma Son of Shri Nand Kishore Sharma, Aged About 60 Years, Resident of LIG Plot No. 4, Sector No. 8, Vidhyadhar Nagar, Jaipur.

-----Petitioner

Versus

1. The State of Rajasthan, Through Secretary, Ground Water Resource Department, Secretariat, Jaipur.
2. The Chief Engineer, Ground Water Resource Department, Jodhpur.
3. The Assistant Engineer, Ground Water Resource Department, 72-B, Jhalana Dungari, Industrial Area, Jaipur.
4. The Joint Director, Department of Pension And Pensioners Welfare, Jyoti Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Rajneesh Gupta with Mr. Rahul Sharma, Mr. Utkarsh Goyal and Ms. Chanchal
For Respondent(s)	:	Ms. Namita Parihar, Dy.G.C. Ms. Priyansha Barwar for Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

13/10/2026

1. By way of the present writ petition, the petitioner has assailed the orders dated 17.06.2021, whereby the earlier orders granting the second and third selection scales to the petitioner were set aside. The petitioner has also assailed the order dated 13.07.2021, whereby recovery was sought from the petitioner on account of the setting aside of the aforesaid orders, after the petitioner had attained the age of superannuation.
2. Learned counsel for the petitioner submits that, while the petitioner approached this Court by way of the present writ petition, certain other employees, who were aggrieved by similar action on part



of the respondents, had preferred appeals before the Rajasthan Civil Services Appellate Tribunal (for short, the 'Tribunal'), wherein the learned Tribunal, while allowing their appeals, quashed the orders withdrawing the benefits of selection scales and directed the respondent-Department to maintain the benefits of the selection scales earlier granted to those employees upon completion of 18 and 27 years of service; extend the consequential retirement benefits accordingly; and refrain from making any recovery from them.

2.1 Being aggrieved by the aforesaid orders, the State Government preferred writ petitions before this Court, one of which was registered as S.B. Civil Writ Petition No. 8204/2026, titled **State of Rajasthan & Ors. Vs. Chauthi Ram**. The aforesaid writ petition was dismissed by a Co-ordinate Bench of this Court vide order dated 19.05.2026, while observing as under:

"13. It has not been disputed that the respondent-employee was ultimately promoted vide order dated 24.08.2020 on the post of Assistant Driller against the vacancies for the year 2013-2014, therefore, the very basis of withdrawing the selection grade earlier granted to the respondent-employee as raised by the petitioner-Department that the respondent-employee was not eligible for promotion on the post of Assistant Driller, stands contradicted by the subsequent action taken by the petitioner-Department. It has also not been disputed that while granting selection grade to the respondent-employee, the petitioner-Department extended benefits to him in view of para 5 of circular dated 17.02.1998, which provides for grant of selection grade, in case, any employee is not qualified or does not possess eligibility to hold the higher post or is holding an isolated post.



14. Learned counsel for the petitioner also could not satisfy this Court with regard to compliance of principles of natural justice or affording opportunity of hearing to the concerned employees prior to issuing impugned orders dated 14.08.2020.

15. In view of above, this Court finds that order dated 07.10.2025 has rightly been passed by the learned Tribunal and the same is also in consonance with judgments of Hon'ble Supreme Court rendered in the case of **Rafiq Masih (White Washer) & Ors. (supra)** and **Jagdish Prasad Singh (supra)**.

16. In view of above, there is no scope of interference in the instant writ petition and the same is hereby dismissed."

2.2 Learned counsel for the petitioner submits that, consequent upon the dismissal of the aforesaid writ petition, the benefits in question have already been extended to the employees concerned. He further submits that the case of the present petitioner is at par with that of **Chauthi Ram (supra)** and, therefore, prays that the present writ petition be allowed in light of the aforesaid judgment.

3. Learned counsel appearing for the respondent-Department opposes the submission made by learned counsel for the petitioner; however, she has not been able to dispute the fact that similar orders passed in other cases were challenged by the State Government, and that the writ petitions preferred against those orders were also dismissed by a Co-ordinate Bench of this Court. She has further not been able to dispute that the case of the present petitioner is similar to that of **Chauthi Ram (supra)**.

4. In view of the above circumstances, this Court finds no reason to take a view different from that taken by the Coordinate Bench of this Court. Accordingly, following the view taken by the Coordinate Bench,





the present writ petition is **allowed**. The impugned orders dated 17.06.2021 and 13.07.2021 passed by the respondent-Department are quashed and set aside. The benefits of the second and third selection scales granted to the petitioner upon completion of 18 and 27 years of service, respectively, are restored, and the petitioner shall be entitled to all consequential benefits arising therefrom.

5. The respondent-Department is directed not to make any further recovery from the petitioner. In the event any recovery has already been made, the amount so recovered shall be refunded to the petitioner within a period of three months from today.

6. Pending applications, if any, stand disposed of.

(SANDEEP TANEJA),J

6/SAHIL SONI