

**JAIPUR VIDYUT VITRAN NIGAM LIMITED**

CIN: U40109RJ2000SGC016486

(A Government of Rajasthan Undertaking)

{Chief Accounts Officer(IA)}

Regd. Office: Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur 302005

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Website: www.jaipurdiscom.com Email: caoia@jvvn.in

No. JPD/CAO(IA)/AO/Rules/F.176/ D. 4324

Jaipur, dated: - 8 | 01 | 2018

ORDER

The Nigam has decided to implement the order passed by the Hon'ble Rajasthan High Court on dated 12.05.2017 in the DB Civil Writ Petition 880/2017 titled as Rajasthan Vidyut Takniki Karmachari Association V/s Govt. of Rajasthan & others (copy enclosed) subject to decision of SLP filed before Hon'ble Supreme Court of India.

By Order,

(Dr. R.P.Gupta)

Chief Accounts Officer (IA)

Copy submitted/forwarded to the following for information and circulation in various offices under their jurisdiction and control: -

1. The Chief Engineer/Zonal Chief Engineer (), JPD, _____
2. The Dy. Chief Engineer (), JPD, _____
3. The Chief Personnel Officer, JPD, Jaipur.
4. The Secretary (Admn.)/Company Secretary, JPD, Jaipur.
5. The Chief Accounts Officer (FM-W&M/ Rev. & Billing) JPD, Jaipur.
6. The Addl. Superintendent of Police (Vig.), JPD, Jaipur.
7. The Superintending Engineer (), JPD, _____
8. The Superintending Engineer (IT), JPD, Jaipur. He is requested to upload this order indicating JPD/Rules No. on the Jaipur Discom's website.
9. The Sr. Accounts Officer ()/ Dy. Director of Personnel (), JPD, _____
10. The Accounts Officer/Asstt. Accounts Officer (), JPD, _____
11. P.A to the Chairman, Discoms/Managing Director, JVVNL, Jaipur.
12. P.A to the Director (Finance/Technical), JPD, Jaipur.

(B.S.Basaniwal)

Accounts Officer (Rules)

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

डी. बी. सिविल रिट याचिका संख्या : 880 / 2017

राजस्थान विद्युत तकनीकी कर्मचारी एसोशियेशन,
केन्द्रीय शाखा, प्लाट नं.150, खसरा नं. 22 / 25,
न्यूगैलेक्सी स्कूल के पास रामदेव नॉदडी बनाड रोड़, जौधपुर
जरिये अध्यक्ष पृथ्वीराज गुर्जर पुत्र सुरजन सिंह गुर्जर आयु 35 वर्ष निवासी
ग्राम
बुडली, पोस्ट ब्रहमन, तहसील सिकराय, जिला दौसा

याची



01. राजस्थान सरकार
जरिये प्रमुख शासन सचिव,
वित्त विभाग,
शासन सचिवालय, जयपुर

02. प्रमुख शासन सचिव,
उर्जा विभाग,
राजस्थान सरकार,
शासन सचिवालय, जयपुर

03. जयपुर विद्युत वितरण निगम लिमिटेड
जरिये प्रबन्धक निदेशक,
विद्युत भवन, ज्योति नगर, जयपुर— 302005

04. लेखाधिकारी (नियम),
जयपुर विद्युत वितरण निगम लिमि.
विद्युत भवन, ज्योति नगर, जयपुर— 302005

प्रत्यर्थागण

D.B. Civil Writ Petition No. 111 / 2017

Leeluram Jakhar S/o Shri Mukharam Jakhar, aged 40 years, r/o
Dhani Kumbha Kalan, Post Kotda, Tehsil Neem Ka Thana, District
Sikar Rajasthan, presently residing at House No.A-10, Vinayak
Vihar-A, Gokulpura, Kalwar Road, Jhotwara, Jaipur Rajasthan.

----Petitioner

Versus

1. State of Rajasthan through Principal Secretary Department of Education, Government of Rajasthan, Jaipur.
2. Principal Secretary, Department of Finance, Government of Rajasthan, Jaipur.
3. Director Secondary Education Bikaner Rajasthan.

-----Respondents

For Petitioner(s) : Sh. Dharmendra Jain Adv.
Sh. Vinod Jhanjharria Adv.
Sh. A.K. Arora Adv.
For Respondent(s) : Sh. Ankur Srivastava Adv.
Ms. Kamlesh Kumari Adv., on behalf of
Sh. S.K. Gupta Addl. Adv. Gen.



HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE DINESH CHANDRA SOMANI

Order

Counsel for respondent submits that the present matter in question is such where the post is to be filled 100% by promotion and not by direct recruitment.

We find that the Coordinate Bench has interpreted R.24(1) of the Rajasthan Civil Services (Revised Pay) Rules, 2008 & its application in regard to fixation of pay in the cases where the employees are either promoted or appointed by direct recruitment and observed as under :-

“Rule 24 of the Rajasthan Civil Services (Revised Pay) Rules, 2008 reads as under:

24. Fixation of pay on promotion on or after 01.09.2006. - In the case of promotion from one grade to another in the running pay band, the fixation will be done as follows:-

(i) One increment equal to 3% of the sum of the pay in the running pay band and the existing grade pay will be computed and rounded off to the next multiple of 10. This

will be added to the existing pay in the running pay band. The grade pay corresponding to the promotion post will thereafter be granted in addition to this pay in the running pay band. In case where promotion involves change in the running pay band also, the same methodology will be followed. **However, if the pay in the running pay band after adding the increment is less than the minimum of the higher pay band to which promotion is taking place, pay in the running pay band will be stepped to such minimum."**



2. The Rule is clear. In case of promotion from a lower grade to a higher grade in the running Pay Band the fixation of the pay of the officers promoted is as per the Rule. Meaning thereby, at the first instance, the first limb of the Rule has to be applied and the pay fixed.

3. Thereafter further exercise has to be carried out. If there is element of direct recruitment to the post in question, apart from promotion, if as a result of implementation of the first limb of the Rule the pay gets fixed at less than the minimum of the higher Pay Band, the pay has to be stepped up to such minimum.

4. The writ petitioners joined service as Class-IV employees of this Court. The post of Junior Judicial Assistant has a quota for Class-IV employees to earn promotion through a competitive examination. It is also to be filled up by direct recruitment. The Pay Band in question is ₹5200-20200. Grade Pay is ₹2400. For a direct recruit, the minimum of the pay in the

Pay Band in the Grade Pay is fixed at ₹9840. This was initially granted to the petitioners but later on sought to be reduced to ₹9720. The reduction was proposed on the first limb of the Rule, overlooking the second.

5. The writ petition is accordingly disposed of quashing the impugned communication dated July 13, 2016. It is declared that on promotion as Junior Judicial Assistant the minimum pay of the petitioners fixed at ₹9840 is correct.”



In the light of the judgment of the Coordinate Bench referred to supra, the present petitions in the same terms mutatis mutandis stand disposed of. Copy of the order be separately placed in each file.

(DINESH CHANDRA SOMANI),J.

(AJAY RASTOGI),J.

Shekhawatvs/13-14



सत्यमेव जयते