

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

S.B. Civil Writ Petition No.4529/2014

Gajendra Pratap Singh son of Shri Veer Singh, aged about 58 years, R/o 301, Sukhi Sansar Apartment, Near Ramleela Maidan, Sikar-332001, Rajasthan.

----Petitioner

Versus

1. Ajmer Vidyut Vitran Nigam Limited, Hathi Bhata Road, Ajmer through its Managing Director.
2. Superintending Engineer, Ajmer Vidyut Vitran Nigam Limited, Sikar, Rajasthan.
3. Assistant Engineer (Rural), Ajmer Vidyut Vitran Nigam Limited, Sikar, Rajasthan.

----Respondents

Connected with

S.B. Civil Writ Petition No.752/2007

Mohan Lal Saini S/o Shri Bhura Ram Saini, aged about 54 years, R/o Ward No.28, C/o Dhanna Lal Tea Stall, Opposite to variety store, Station Road, Sikar.

----Petitioner

Versus

1. Ajmer Vidhyut Vitaran Nigam Limited through its Chairman & M.D., Ajmer.
2. Superintending Engineer (O & M), Sabalpura Power House, Ajmer Vidhyut Vitaran Nigam Ltd., Sikar.
3. Executive Engineer (O & M) Sabalpura Power House, AJmer Vidhyut Vitaran Nigam Ltd., Sikar.
4. Assistant Engineer (O & M) Piprali, Ajmer Vidhyut Vitaran Nigam Ltd., Sikar.

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For Petitioner(s)	:	Mr. Ajay Gupta Ms. Sampti Sharma Ms. Anushree Agarwal Mr. Yogesh Kumar Sharma
For Respondent(s)	:	Mr. Abhishek Sharma Mr. Ishan Kumawat

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**HON'BLE MR. JUSTICE ANAND SHARMA**

**Judgment**

<b>Date of conclusion of arguments</b>	<b>::</b>	<b>07.01.2026</b>
<b>Date on which judgment was reserved</b>	<b>::</b>	<b>07.01.2026</b>
<b>Whether the full judgment or only the operative part is pronounced</b>	<b>::</b>	<b>Full Judgment</b>
<b>Date of pronouncement</b>	<b>::</b>	<b>15.01.2026</b>

1. Both the above writ petitions involved almost similar facts, controversy and cause of action, hence, the above writ petitions are being decided by this common judgment.

2. For the purpose of convenience, facts stated in S.B. Civil Writ Petition No.4529/2014 are being taken into consideration.

3. It is stated that petitioner was initially appointed as Bill Distributor under Assistant Engineer (O & M) in erstwhile Rajasthan State Electricity Board, Sanganer. Thereafter, selection process for promotion to the post of L.D.C. took place wherein the petitioner was promoted as L.D.C. against 15% departmental candidate quota. On account of anomaly in the pay scales and grant of benefits, dispute was referred to the arbitration and an arbitral award was passed by the Arbitrator-Sh. Mohan Mukherji and Sh. Gopeshwar, where pay scale of employees belonging to different cadres of the services of Rajasthan State Electricity Board were revised. Accordingly, pay scale of the post of L.D.C. which was earlier Rs.370-570 was revised to Rs.530-740 and accordingly after revision, pay of the petitioner was fixed at Rs.595/- after adding initial basic pay, interim relief and other allowances. However, later on, pay of the petitioner was illegally

fixed at the minimum of pay scale i.e. at Rs.530/-, and the benefit of arbitration award dated 20.05.1985 was not granted to the petitioner. Therefore, he along with so many other persons filed as many as 3 writ petitions before this Court. Writ petition filed by the petitioner was registered as S.B. Civil Writ Petition No.5453/1993 and all such writ petitions were decided vide judgment dated 03.06.1994, wherein following directions have been given:

*"We are therefore, of the view that for the purpose of pay fixation of promotees to the next promotional cadre of LDCs, 15% of those candidates who have been promoted from departmental candidates shall be entitled to benefit of past service in class IV cadre from which they have been promoted for the purpose of their pay fixation as LDCs, while the remaining 35% who have been appointed directly as LDCs on the basis of competitive examination shall not be entitled to the benefit of past service in other departments since they have already relinquished their right of past service rendered by them, if any, in other departments. Consequently the petitioners in the above writ petitions are entitled to succeed and the petitions are allowed with cost. We direct that the petitioners who constitute 15% of the posts of LDCs as departmental candidates shall be entitled to the benefit of past service for the purpose of pay fixation in the revised pay scale which they have rendered in the past in the cadre of class IV employees of the Board prior to their promotion into the cadre of LDCs as per Regulation 6, while the remaining 85% of such other candidates who have been appointed as LDCs on the basis of competitive examination shall not be entitled to the benefit of past services which they might have rendered in other department prior to their appointment as LDCs in the respondent-board.*

*We further direct that the respondents Board shall make proper pay fixation of the petitioners by extending them the benefit of revised pay scales in terms of the Arbitration Award dated 20th May, 1985 including such arrears to which the petitioners may be entitled and interest at the rate of Rs.12% per annum on the amount due to the petitioners to be calculated w.e.f. 1.4.85. The payment due on pay fixation in*

*terms of the Award which became effective w.e.f. 17th July, 1985, i.e. the date of its enforcement, shall be made immediately preferably within a period of 8 weeks from today.*

*We further direct that the remaining 85% candidates who have been appointed into the cadre of LDCs on the basis of competitive examination shall not be entitled to the benefit of past service which they may have rendered in other departments prior to their joining in the Board.*

*We further direct that those petitioners who are departmental promotees shall be given the benefit of continuity of past service rendered by them to the Board w.e.f. their respective dates of their initial appointments."*

4. Grievance of the petitioner is that thereafter petitioner repeatedly submitted so many representations time and again and requested the respondents to allow benefit of arbitration award dated 20.05.1985 in compliance of judgment dated 03.06.1994 and to make fixation of their pay at Rs.595/- per month on the date of promotion to the post of L.D.C. and to make payment of arrears of difference of pay with interest, however, such benefits were not granted to the petitioner, despite clear-cut order earlier passed by this Court. Thereafter, he served one legal notice dated 23.10.2013 and on there being no positive response by the respondents, writ petition has been filed by the petitioner.

5. The writ petition has been vehemently opposed by learned counsel for the respondents and he raised a preliminary objection that the petitioner is claiming benefits in light of earlier judgment dated 03.06.1994 passed by this Court, however, writ petition for claiming such benefits has been filed in the year 2014 i.e., after a period of around 20 years and no sufficient explanation has been given for causing such long delay, therefore,

the writ petition suffers from the vice of delay and laches and is liable to be rejected on this ground alone.

6. Learned counsel for the respondents further submitted that the judgment dated 03.06.1994 was a composite judgment delivered in as many as 35 cases, however, facts of each and every case were not considered, therefore, no specific direction for fixation of pay of particular petitioner was given and general directions were issued for making fixation after granting benefit of arbitration award to the petitioners. It has been emphasized that pursuant to arbitration award dated 20.05.1985, the pay scales were revised w.e.f 01.04.1980 and 01.04.1983. The petitioner was also granted benefit of pay fixation and his pay was fixed at Rs.430/- in the pay scale of Rs.400-640/- w.e.f. 01.04.1980 and later on, it was fixed at Rs.520/- in the same pay scale w.e.f. 01.04.1983.

7. It is also submitted by learned counsel for the respondent that on promotion to the post of L.D.C., pay of the petitioner was again fixed from the date of joining on the post of L.D.C. w.e.f. 30.01.1984 and while doing so, benefit of one annual grade increment of lower scale and one grade increment of higher scale was granted to the petitioner. It was clarified that before joining on the post of L.D.C. i.e., on 30.01.1994, the petitioner was getting pay of Rs.530/- and after promotion, his pay was fixed at Rs.550/-. Such benefits have been given in accordance with the arbitration award and since direction of this Court in judgment dated 03.06.1994 was to grant benefit of arbitration award to the petitioners, which has already been granted to the

petitioners, therefore, the petitioners are not entitled for any relief whatsoever, hence, he prayed for dismissing the writ petition.

8. Heard learned counsel for the parties and perused the record.

9. Petitioners are claiming benefits under the order dated 03.06.1994 passed by Division Bench of this Court in a bunch of 35 writ petitions, wherein the directions were to make fixation of pay of the petitioner in accordance with arbitration award dated 20.05.1985 including arrears of difference of pay.

10. Respondents in reply to the writ petition have come out with specific case that the order dated 03.06.1994 has fully been complied with and re-fixation of pay of the petitioner has already been done pursuant to arbitration award and the manner of such re-fixation has been specified in Para 4 of reply to the writ petition.

11. This Court also finds merit in the submissions of learned counsel for the respondents that vide judgment dated 03.06.1994, general directions for implementation of arbitration award were given and there were no directions for making fixation of pay of individual petitioner at a particular stage in a particular pay scale. Thus, where the respondents have stated on oath in reply to the writ petition that benefit of such arbitration award was already granted to the petitioners, no grievance of the petitioner in respect of compliance of judgment dated 03.06.1994 survives.

12. Otherwise also, it is a matter of fact that the instant writ petition has been filed by the petitioner in the year 2014 i.e. after expiry of almost two decades from the judgment dated 03.06.1994. In the case of **Chennai Metropolitan Water Supply**

**and Sewerage Board & Ors. Vs. T.T. Murali Babu** reported in **2014 (4) SCC 108**, the Hon'ble Supreme Court has held that the delay in filing the writ petition is fatal in absence of adequate reasons and it was held that the delay comes in way of equity and this Court is not expected to show indulgence to indolent persons in exercise of writ jurisdiction under Article 226 of the Constitution of India. Thus, in view of above the writ petitioner filed by the petitioner is also liable to be rejected on the ground of delay and laches also.

13. So far as, S.B. Civil Writ Petition No.752/2007 is concerned, the observations given above on merits are also applicable in the said petition. Since, this petition was also filed after a delay of more than 13 years from the date of judgment dated 03.06.1994, therefore, in addition to merit, this petition is liable to be dismissed on the ground of delay and laches.

14. For the reasons mentioned hereinabove, there is no force in these writ petitions filed by the petitioner and, the same, is hereby, dismissed.

(ANAND SHARMA),J