



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



S.B. Civil Writ Petition No. 9452/2005

Inder Singh Saini S/o. Shri Ratna Ram, Village And Post Chirawal  
Mali, Tehsil Nagar, Distt. Bharatpur.

----Petitioner

Versus

1. The State Of Rajasthan Through Its Secretary,  
Department Of Revenue, Government Of Rajasthan,  
Secretariat, Jaipur
2. The Board Of Revenue, Rajasthan, Ajmer Through Its  
Secretary
3. District Collector, Bharatpur

----Respondents

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For Petitioner(s) : Mr. N.K. Singhal  
For Respondent(s) : Mr. Umesh Choudhary for  
Mr. V.D. Gathala

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**HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**

**Reportable**

**Judgment**

- |   |                          |
|---|--------------------------|
| 1. Date of conclusion of arguments  | <b><u>17/02/2026</u></b> |
| 2. Date on which the judgment was reserved                                | <b><u>17/02/2026</u></b> |
| 3. Whether the full judgment or only the<br>operative part is pronounced: | <b>Full Judgment</b>     |
| 4. Date of pronouncement  | <b><u>19/02/2026</u></b> |

1. The petitioner has sought the following relief in the instant writ petition:-

“It is therefore, humbly prayed that this writ petition may kindly pleased accepted and allowed:-

(i) and respondents are directed to grant the benefit of selection scale for the 9 years and 18 years of service to the petitioner from the date of initial appointment.

(ii) and it is further directed to respondent that grant all the annual grade increment to the petitioner in the regular pay scale which are revised and sanctioned time to time right from the



date of initial appointment with all consequential benefits and pay the arrears of the amounts.  
(iii) Any other relief and appropriate order which this Hon'ble Tribunal deems fit and proper may kindly be passed in favour of the petitioner."

2. Learned counsel for the petitioner stated that the petitioner was appointed as a Patwari through an *ad hoc* order dated 05.04.1980 and he successfully qualified the written examination.

3. Learned counsel for the petitioner further asserts that the petitioner is entitled to the benefits of the selection scale and retiral benefits from the date of his *ad hoc* appointment. Furthermore, he contends that, pursuant to Rule 4 of the Rajasthan Land Revenue (Land Records) Rules, 1957 (hereinafter referred to as 'the Land Revenue Rules'), individuals with fifteen years of service are exempted from the Patwar Examination and have been granted the selection scale and service benefits from their initial appointment date.

4. Counsel representing the petitioner also cites the following judgments in support:-

1. **Gordhan Singh Vs. The State of Rajasthan (S.B. Civil Writ Petition No.1809 of 1990)**
2. **Jamaluddin Vs. State of Rajasthan (D.B. Civil Special Appeal Writ No.530/2018)**
3. **State of Rajasthan & Ors. Vs. Farooq Ahmed & Ors. (D.B. Civil Special Appeal No.58/2004)**

5. Conversely, learned counsel for the respondents counters that the petitioner is ineligible for the selection-scale benefits for 9, 18, and 27 years of service from the date of his *ad hoc* appointment, as his services were regularised on 14.09.2004 i.e.





after qualifies the written examination, in accordance with the circular dated 01.03.2000.

6. After thoroughly reviewing the pertinent rules, laws, and circulars, and after hearing the arguments presented, the Court is inclined to deny the petition for the following reasons:-

7. Firstly, the petitioner's appointment was on *ad hoc* basis, and he was regularised in the year 2004. The Hon'ble Supreme Court in the case of **State of Rajasthan & Anr. Vs. Surendra Mohnot & Ors., 2014 (14) SCC 77**, clarified that individual appointed on *ad hoc*, daily-wage, or work-charged service does not accrue benefits related to time-bound pay unless explicitly provided for in the recruitment rules. In the case of State of Rajasthan Vs. Surendra Mohnot & Ors. (*supra*), reaffirming the decision in the case of **State of Rajasthan Vs. Jagdish Narain Chaturvedi 2009 (12) SCC 49**, the Supreme Court unambiguously held that stagnation benefits were granted from the date of regularisation, in the context of government orders dated 25<sup>th</sup> January, 1992, and 17<sup>th</sup> February, 1998. The Court also specifically noted the language used in circulars about the appointment for the existing cadre/service.

8. Furthermore, the Court established that a candidate seeking regular appointment must satisfy four conditions: (a) the appointment must be in a substantive capacity; (b) it must be to a post within the service or substantive vacancy; (c) the appointment must adhere to the rules; and (d) it must be within the quota prescribed for the source. An *ad hoc* appointment is always to a post rather than a cadre or service, and it is not executed in accordance with the statutory recruitment rules for





regular appointment. Therefore, although the term 'regular' was not explicitly used in paragraph 3 of the Government order dated 25<sup>th</sup> January, 1992, it still implicitly necessitated a regular appointment complied with statutory recruitment rules. The Supreme Court further clarified that what was implicit in the government order was made explicit through the clarification (Finance Department Order) dated 3<sup>rd</sup> April, 1993.

9. Secondly, the circulars issued by the Finance Department consistently emphasised that only employees with regular appointments are eligible for benefits related to 9, 18, and 27 years of service, explicitly excluding *ad hoc* or temporary employees. The rationale for this distinction is evident, as *ad hoc* or temporary positions are filled on an as-needed basis. Moreover, their regularisation is contingent upon passing the written examination prescribed under Rule 4 of the Land Revenue Rules applicable to the petitioner.

10. The judgments cited by the petitioner's counsel are rendered irrelevant by the legal principles established in State of Rajasthan Vs. Surendra Mohnot (*supra*).

11. Consequently, the writ petition is hereby dismissed.

(PRAVEER BHATNAGAR),J

Ramesh Vaishnav/86

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