RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 8821/2026
CNR: RJHC010387872026 | URN: CW / 16195U / 2026

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Sunil Katara S/o Shri Hav Singh Katara, Aged About 26 Years, R/o Churada, Tehsil Kushalgarh, District Banswara. Presently Working As Peon In Eklavya Model Residential School, Kushalgarh, District Banswara.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Tribal Area Development (Tad), Secretariat, Rajasthan, Jaipur.
2. Commissioner, Tribal Area Development (Tad), Udaipur.
3. Deputy Commissioner, Tribal Area Development (Tad), Banswara.

----Respondents

Connected With

S.B. Civil Writ Petition No. 14390/2025
CNR: RJHC010688062025 | URN: CW / 25931U / 2025

Anil Kumar Pargi S/o Shri Bijiya, Aged About 39 Years, R/o Nawa Kheda, District Banswara. Presently Working As Chowkidaar In Tribal Area Development (Tad) Office, District Banswara.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Tribal Area Development, Secretariat, Rajasthan, Jaipur.
2. Commissioner, Tribal Area Development, Udaipur.
3. Deputy Commissioner, Tribal Area Development, Banswara.

----Respondents

For Petitioner(s)	:	Mr. Mahipal Rajpurohit Mr. Shivnath Singh
For Respondent(s)	:	Mr. Arpit Surana Mr. Aditya Soni for Mr N.S. Rathore, AAG

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HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/11/2026

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1. Learned counsel for the petitioners submitted that the petitioners are working in the Tribal Area Development Department against various Class-IV posts, such as Cook, Chowkidar, Sweeper, etc., and are discharging duties equivalent to those performed by other Class-IV employees of the respondent Department. However, they have been denied the benefit of the minimum of the pay scale applicable to Class-IV employees on the ground that they were engaged through placement agencies and, therefore, are not entitled to such benefit.

2. Learned counsel further submitted that a Coordinate Bench of this Court, vide order dated 08.04.2026 passed in ***S.B. Civil Writ Petition No. 14023/2025, Dhariya v. State of Rajasthan***, has allowed the writ petition filed by a similarly situated employee and directed the respondents to grant the minimum of the pay scale applicable to Class-IV employees. The order passed by the Coordinate Bench in ***Dhariya (supra)*** is reproduced hereinbelow for ready reference:-

> *1. Feeling aggrieved by order dated 23.04.2025 issued by the Commissioner, Tribal Area Development (TAD), Udaipur, whereby minimum of the pay scale, as claimed by the petitioner has been denied, he has approached this Court for quashing the order dated 23.04.2025, and also sought a direction to direct the respondents to grant minimum of the pay scale to the petitioner.*
>
> *2. It is submitted by learned counsel for the petitioner that the petitioner was appointed on 01.07.2019 on the post of Class-IV employee in respondent- Department and has been rendering regular services in the same manner, in which other regularly appointed Class-IV employees of the respondent Department are discharging. It is submitted that although, the petitioner is carrying out regular work, yet he is being paid meager salary against his regular*

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services, which is nothing but exploitation of the petitioner in violation of Articles 14, 21 and 39 d of the Constitution of India.

3. Learned counsel appearing for the petitioner relied upon the judgment dated 08.11.2019 passed by the Co-ordinate Bench of this Court at Jaipur Bench in ***S.B. Civil Writ Petition No.2360/2018 (Hari Mohan Meena & Ors. Vs. State of Rajasthan)****, which was confirmed by the Division Bench of this Court in D.B. Special Appeal (Writ) No.148/2020 and thereafter by the Hon'ble Supreme Court in SLP No.7990/2022.*

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4. Learned counsel appearing for the respondents opposed the writ petition and submitted that the petitioner was neither regularly appointed, nor any process of regular selection was conducted prior to the appointment. It is further submitted that the petitioner was appointed through a placement agency, therefore, the respondents are not liable to pay minimum of the pay scale as claimed by the petitioner.

5. Learned counsel for the respondents placed reliance upon order dated 18.03.2025 passed by the Co-ordinate Bench of this Court in ***S.B. Civil Writ Petition No.4502/2025 (Sarju Devi & Ors. Vs. State of Rajasthan & Ors.****) as well as order dated 15.05.2024 passed by the Co-ordinate Bench of this Court at Jaipur Bench in* ***D.B. Special Appeal (Writ) No.243/2024 (Anusuchit Janjati Chatravas Vs. State of Rajasthan & Ors.)***

6. This Court carefully examined the record of this case and heard rival submissions made by learned counsel for the parties.

7. It has not been disputed by learned counsel for the respondents that the petitioner is working in the respondent Department w.e.f. 01.07.2019 i.e. for last around seven years, nor has it been disputed that instead of giving benefit of minimum of the pay scale to the petitioner, he is being paid much lesser salary.

8. Only objection raised by learned counsel for the respondents is that the petitioner was initially engaged through placement agency, therefore, he is not entitled for minimum of the pay scale of Class-IV employees as applicable in the respondent Department.

9. This Court finds that in the similar circumstances, where the employees who filed ***S.B. Civil Writ Petition No.2360/2018 (Hari Mohan Meena & Ors. Vs. State of Rajasthan)****, were also not engaged either by the regular selection through RPSC, nor their names were sponsored by the employer exchange, and were rather appointed through placement agency in the similar manner in which the petitioner was appointed, the Co-ordinate*

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Bench of this Court at Jaipur Bench considered the question of grant of minimum of the pay scale in the light of judgments delivered by the Hon'ble Supreme Court. The Co-ordinate Bench of this Court has observed as under:

> *"The petitioners have not been selected through the Rajasthan Public Service Commission (hereinafter referred to as "the RPSC") nor their names have been sent by the Employment Exchange and were originally appointed through the placement agency.*
>
> *Accordingly, the petitioners would be entitled to receive the same relief as granted by the Supreme Court hereinabove. Accordingly, this writ petition so far it relates to petitioner Nos.1, 4, 5, 6 and 7 is partly allowed to the extent that the respondents shall release the minimum of the pay scale at the lowest grade in the regular pay scale, which is being extended to the regular employees holding the same post i.e. LDC."*

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10. While passing the judgment in the case of ***Hari Mohan Meena (supra),*** *the Co-ordinate Bench of this Court has taken into consideration the principles of equality enshrined under the Constitution of India as well as judgment of Hon'ble Supreme Court in the case of* ***State of Punjab & Ors. Vs. Jagjit Singh & Ors. reported in (2017) 1 SCC 148*** *and in the case of State of* ***Haryana Vs. Jasmer Singh reported in (1996) 11 SCC 77.*** *Thereafter, feeling aggrieved the State unsuccessfully challenged the judgment dated 08.11.2019 passed by the Co-ordinate Bench of this Court at Jaipur Bench, by way of preferring intra code appeal and further the State Government approached the Hon'ble Supreme Court after examining the judgment of learned Single Judge as well as Division Bench on merits has confirmed the same, and did not find any ground to interfere in the judgments delivered by this Court.*

11. So far as, the orders relied upon by learned counsel for the respondents is concerned, this Court finds that as there was categorical finding in those cases that relationship of masters and servant never existed between the petitioners therein and the respondents, hence, the petitioners in the said cases were not held entitled to get benefit of minimum of the pay scale/minimum wages as claimed by the petitioner.

12. Facts stated in this writ petition are altogether different. Respondents have not disputed that petitioner is working in the office of respondents, therefore, it is no dispute with regard to relationship of employer and employee between the petitioner and respondents. Hence, the judgments/orders relied upon by learned counsel for

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> *the respondents are not attracted in the facts and circumstances of the case.*
> *13. In view of above foregoing discussion, this Court deems it just and proper to allow the writ petition and it is directed that the petitioner would be entitled to receive minimum of the pay scale of Class-IV employees admissible in respondent Department. Necessary orders in this regard shall be passed by the respondents within a period of 60 days from the date of receipt of a certified copy of this order.*
> *14. Pending application(s), if any, also stand(s) disposed of."*

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3. *Per contra*, learned counsel for the respondents opposed the writ petitions and submitted that the petitioners are working in the respondent Department on a job basis through placement agencies. It was contended that, as the petitioners have not been appointed through a regular process of selection, they cannot claim the minimum of the pay scale applicable to Class-IV employees. Learned counsel, therefore, prayed for dismissal of the writ petitions.

4. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds merit in the submission made on behalf of the petitioners that the writ petition filed by a similarly situated employee has already been allowed by a Coordinate Bench of this Court. This Court further finds that the objection regarding the petitioners' engagement through placement agencies and their non-selection through a regular process was also considered by the Coordinate Bench in the aforesaid judgment.

5. In view of the foregoing, the present writ petitions are **allowed** in terms of the order passed by the Coordinate Bench of this Court in ***Dhariya (supra)***. The respondents are directed to pass necessary orders granting the minimum of the pay scale

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applicable to Class-IV employees in favour of the petitioners within a period of sixty days from the date of receipt of a certified copy of this order.

6. The pending application(s), if any, stand disposed of.

7. A copy of this order be placed in each file.

(KULDEEP MATHUR),J

Crt_9 (1810)
D-A/290
Himanshu Singh

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