

(2012) 03 RAJ CK 0093

Rajasthan High Court (Jaipur Bench)

Case No: Civil Writ Petition No. 6640 of 2011

Tej Singh

APPELLANT

Vs

managing Director,
RSRTC and Others

RESPONDENT

Date of Decision: March 22, 2012

Hon'ble Judges: Mohammad Rafiq, J

Bench: Single Bench

Advocate: Sunil Kumar Singodiya, for the Appellant; R.K. Kasana, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Mohammad Rafiq

1. The dispute is with regard to discontinuation of the services of the petitioner on the ground of misconduct. Controversy, according to the learned counsel for the petitioner is squarely covered by the Division Bench judgment of this Court in Ramraj Gurjar s/o Shri Suraj Mal vs. Rajasthan State Road Transport Corporation through its Managing Director, Chomu House, Jaipur & Ors. : 2008 western Law Cases (Raj.) uc 485, wherein this court has held that the impugned-order passed by the RSRTC terminating services of the petitioner without holding enquiry into the charges of misconduct, is illegal and directed his reinstatement without back-wages however with the observation that such direction shall not prevent the respondents in holding disciplinary enquiry against petitioner and which shall not be influenced by the said judgment. Following that judgment, the co-ordinate bench of this court disposed of the writ petition filed by mahipal singh vide order dated 6/12/2010 in SBCWP No. 14132/2008 (Mahipal singh vs. R.S.R.T.C. & ors.). Learned counsel for the respondents has opposed the writ petition but could not dispute that selection of the petitioner was based on the same advertisement (Ann.1) and in the same manner in which those were engaged. In the circumstances, this writ petition

deserves to be allowed and is hereby allowed with the following directions:-

(i) the impugned order dated 25/8/2008 terminating services of the petitioner is quashed and set-aside. The services of the petitioner is restored in the same manner as was obtaining on the date of termination.

(ii) the petitioner shall be reinstated by the respondents immediately and in no case later than 15 days from the date of production of certified copy of this order. He will, however, not be entitled to any back wages.

(iii) the aforesaid direction shall not, however, prevent the respondents in now holding a disciplinary enquiry against the petitioner, if they desire to do so and in that event, the disciplinary enquiry shall not be influenced by the present order.