

Paras Ram Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Apr-20-1998

Reported in : 1998(3)WLC462; 1998(1)WLN188

Judge : B.J. Shethna, J.

Appeal No. : S.B. Civil Writ Petition No. 306 of 1992

Appellant : Paras Ram

Respondent : State of Rajasthan

Judgement :

B.J. Shethna, J.

1. The grievance of the petitioner, (1) regarding increments with effect from 1978, (2) fixation with effect from 1976 and, (3) salary paid from 1st December 1976 to December 1981, do not survive any more. Hence, this Court has to decide the only question regarding the order of penalty Anx. P/5 and the appellate order Anx. P/7.

2. This is a unique case of harassment to the employee. The petitioner, who was Assistant Inspector, was served with a show cause notice to show cause as to why he may not be dismissed from service on the ground of remaining absent by producing false Medical Certificates. He was exonerated by the Enquiry Officer.

However, the Disciplinary Authority did not agree with the Enquiry Officer, therefore, denovo enquiry was ordered. In spite of that, the Enquiry Report submitted by the Enquiry Officer once again exonerated the petitioner from the charges levelled against him. Once again the Disciplinary Authority did not agree with the finding of the Enquiry Officer and issued the notice to the petitioner to show cause as to why he should not be punished as he did not agree with the finding recorded by the Enquiry Officer.

3. The impugned order at Anx. P/5, though runs into seven typed pages, it is as good as a non-speaking order. Only in seven lines the Disciplinary Authority said that he does not agree with the cause shown by the petitioner in his reply. He has to deal with the contentions raised in the reply to the show cause notice. Therefore, only on this ground the impugned order Anx. P/5 is required to be set aside as it is a non-speaking order. Once the impugned order at Anx. P/5 is set aside, the subsequent order passed in appeal at Anx. P/7 is also required to be set aside.

4. Accordingly, this petition is allowed and the impugned orders at Anx. P/5 and Anx. P/7 are set aside. Once the impugned orders are set aside, the petitioner would be entitled for all consequential benefits in the service.

5. At this stage, a request was made by the teamed counsel Mr. Bishnoi for the respondents, to give them an opportunity to pass a fresh order after assigning reasons. This is too late in a day. Several years have passed in this case and the petitioner has sufficiently undergone the harassment and torture for all these years, by way of Departmental Enquiry. Hence, this request of Mr. Bishnoi is rejected.