

**Farhat Hussaln Vs. Rsrtc and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/920734](http://sooperkanoon.com/920734)

**Court :** Rajasthan

**Decided On :** Aug-02-2011

**Judge :** Ajay Rastogi, J.

**Acts :** Constitution Of India - Article 226(3)

**Appeal No. :** S.B. Civil Writ Petition No.15496 of 2010

**Appellant :** Farhat Hussain

**Respondent :** Rsrtc and ors.

**Advocate for Def. :** Mr. Amit Kuri, Adv

**Advocate for Pet/Ap. :** Mr. S.S. Hasan, Adv

**Judgement :**

1. Matter has come up on application filed by the respondent u/Art.226(3) of the Constitution for vacation of exparte interim order passed by the Court dt.24.11.2010. However, with consent of the parties, the matter has been finally heard and being decided by the present order.

2. It has been alleged in the writ petition that petitioner was appointed as Driver after due selection vide order dt.23.12.2005 and under the Regulations of 2010 issued by the Corporation on 29.03.2010 decision was taken to regularize services of the drivers and Drivers-cum-Conductors who have been selected pursuant to

advertisement no.201/2004-05 but petitioner's candidature was not considered by the respondent and at the same time show cause notice was issued on 24.05.2010 and other show cause notices have also been served reference of which has been made by the respondent in para (iv), copy of which has been placed on record as Annx.R/1/1, R/1/2 and R/1/3.

3. The main thrust of submission of counsel for petitioner is that petitioner's candidature has not been considered for regularization despite he fulfills all the conditions laid down by the Corporation in its Regulations and with malafide intention show cause notices have been served upon him just to deprive him from his fair right of consideration for regularizing his services which he is holding since 2005 on the post of Driver.

4. After the show cause notice was served upon the petitioner dt.24.05.2010 (Annx.5), reply has been submitted by him and so far as other show cause notices of which reference has been made by the respondent in their reply petitioner failed to submit his representation/explanation but the ultimate fact remains that no adverse decision has so far been taken against him, in absence whereof, what is being urged by the counsel for petitioner that because of malafide action/motive show cause notice has been served upon the petitioner is without any foundation and deserves rejection.

5. So far as regularization of services is concerned, it is always to be considered in terms of Regulation 2010 introduced by the Corporation and that can only be examined based on service record of the petitioner.

6. Since no adverse decision has so far been taken pursuant to show cause notice being served upon the petitioner, the writ petition at this stage is wholly premature which accordingly stands dismissed. However, if any adverse decision is taken and communicated to the petitioner pursuant to show cause notice served, he will always be at liberty to avail the remedy under law.