

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



S.B. Civil Writ Petition No. 18887/2022

Mahesh Kumar S/o Sardar Singh, Aged About 38 Years, R/o
264//65, Govind Nagar, Madarpur Road, Bharatpur.(Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Rural Development And Panchayati Raj,
Secretariat, Jaipur. (Raj.)
2. Secretary, Department Of Panchayati Raj, Secretariat,
Jaipur (Raj.)
3. Chief Executive Officer, Zila Parishad Bharatpur.

----Respondents

For Petitioner(s)	:	Mr. Tarun Choudhary.
For Respondent(s)	:	Mr. Aditya Sharma for Mr. Kesar Singh Shekhawat.

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

17/04/2026

1. This writ petition has been filed challenging the order dated 13.10.2022 (Annex.-11), whereby the petitioner was terminated from contractual service on the ground that the petitioner allegedly tampered with the official records.
2. The petitioner was working as a driver on contract basis and while he was working so, a complaint was lodged by one Raj Kumar Gupta alleging that the petition altered the bills and vouchers, which were in his custody. Basing on the said complaint, a show cause notice was issued to the petitioner

and when the petitioner did not turn to the show cause notice, the impugned termination order was issued.

3. This Court finds that the procedure adopted by the respondents in issuing the impugned termination is unfair and arbitrary. When the termination is stigmatic, there must be a fair opportunity to the petitioner to disagree such an allegation. The show cause notice is issued only on the basis of certain allegations made by one Raj Kumar Gupta. The allegations required to be established by conducting proper enquiry and evidence. Such an allegation cannot be treated as a proved but for the reason of no response by the petitioner to the show cause notice. This is contrary to the fair procedure, therefore, the termination required to be set aside.
4. As a result, the present writ petition filed by the petitioner is allowed. The impugned order of termination dated 13.10.2022 (Annex.-11), is set aside. The respondents are directed to reinstate the petitioner and he is not entitled for any backwages as he was not put in service. His reinstatement shall be done within a period of 15 days from today onwards, failing which, they are liable to pay salary to the petitioner even though they have not reinstated the petitioner after lapse of 15 days till he is not reinstated. It is also directed that if the salary is not paid to the petitioner for the work done prior to the termination, the same shall be paid to the petitioner within a period of one month from today.

5. The respondents are given liberty to conduct a fresh and fair enquiry and basing on the findings of the fair enquiry, the action shall be taken thereon.
6. Misc. application(s), if any, stand disposed of.

(MUNNURI LAXMAN),J