


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19864/2023

Ramkishore Khati S/o Shri Sitaram, Aged About 62 Years, R/o 36
Gayatri Nagar- 2Nd, Near Goshala, Tonk Road, Sanganer, Jaipur
(Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan, Through Additional Chief Secretary To Government, Education Department, Secretariat, Jaipur (Raj.).
2. The Director, Secondary Education, Directorate, Education Department, Bikaner (Raj.)
3. The Joint Director, School Education, Jaipur Range, Siksha Sankul Jaipur (Raj.)
4. The Director, Directorate Of Pension And Pensioners Welfare, Govt. Of Rajasthan, Jyoti Nagar, Lalkothi, Jaipur, Rajasthan 302015

-----Respondents

For Petitioner(s)	:	Mr. Sunil Kumar Singodiya
For Respondent(s)	:	Ms. Pooja Sharma, AAG Mr. Abhishek Sharma Mr. Vishal Kumar for Mr. Manoj Sharma, AAG

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

28/04/2026

1. Heard for final disposal.
2. The present writ petition has been filed challenging the order of the disciplinary authority dated 21.12.2020 (Annex.12) as confirmed by the appellate authority dated 02.11.2021 (Annex.19), whereby the petitioner was found guilty of his being part of a Managing Committee which obtained

affiliation from the competent authority on the basis of fake documents, thereby, he has brought a disrepute to the department.

3. The brief facts leading to the present case are that the petitioner was working as a Teacher and the allegation is that while working so, he was also a part of a Managing Committee, which runs a college. For the relevant period, the petitioner worked as a Block Development Officer. The allegation is that the college in which he was the member of the Managing Committee, made an application for obtaining affiliation for a B.Ed. course and such affiliation was based on fake documents and later, the authorities found that affiliation was obtained on fake documents. In this regard, a criminal case was registered.
4. On the basis of such facts, the charges were drawn stating being a part of the Managing Committee of a college which obtained affiliation based on fake documents, had brought disrepute to the department. Therefore, the charge was framed. After following the procedure, an enquiry officer was appointed and after conducting the enquiry, an enquiry report was submitted holding the allegations had not been proved. The Disciplinary authority, having received the enquiry officer's report, disagreed with the enquiry officer's findings. He himself drew the grounds on which he differed with the finding of enquiry officer and communicated the same to the petitioner along with a copy of the enquiry report. The petitioner, after receiving the grounds, has

submitted an explanation and based on the explanation, the disciplinary authority passed an order holding that the charges are proved and hold further that the suspension period shall not be counted as a period of qualifying service and during that period, he is not entitled to any other benefit except the benefit of subsistence allowance. Challenging the said order, the petitioner has filed an appeal and the said appeal was dismissed, therefore, he is before this Court.

5. The principal argument of learned counsel for the petitioner is that the punishment which was imposed was unknown to the punishment prescribed under the Rajasthan Civil Services Rules (Classification, Control and Appeal) Rules, 1958 (hereinafter referred to as the 'Rules of 1958') and the same cannot be treated as a punishment. It is also his submission that the basis for disagreeing with the findings of the enquiry officer by the disciplinary authority was not based on any evidence and such findings suffer from perversity. It is also his submission that the petitioner was placed under suspension for nearly five years and by virtue of the order which was passed by the disciplinary authority on the finding of proved charges, he is facing a harsher punishment than one that was prescribed. Therefore, he prays to set aside the same.
6. Learned counsel for the respondents submits that the enquiry officer ignored the relevant evidence particularly, the document on which the petitioner's signature was found to indicate that the petitioner was in the role of the Managing

Committee of an institution which allegedly indulged in malpractice by submitting fake documents for affiliation of a B.Ed. course and brought disreputation to the department. It is also his submission that though there is no express imposition of punishment as is prescribed under Rule 14 of the Rules of 1958, the order holding that the suspension period was not treated as qualifying service for further tenure and that subsistence allowance was only granted as other benefits as a consequence of reinstatement were not accorded. Therefore, such order itself is a punishment though it is not explicitly referred to in the Rule 14 of the Rules of 1958. He tried to contend that such an order shall be treated as a punishment under Sub-Rule (ii) of Rule 14 of the Rules of 1958.

7. Having gone through the impugned order of the disciplinary authority, this Court finds that the disciplinary authority has taken into consideration certain admissions made by the petitioner in his written statement submitted to the charges, whereunder he was specifically admitted that he is the Secretary of Tagore B.Ed. College whose position makes him a part of the Managing Committee. This important admission was ignored by the enquiry officer, therefore, the disciplinary authority has taken a decision that the charges are proved on the basis of this admission. This finding of the disciplinary authority as confirmed by the appellate authority, does not require any interference.

8. As rightly contended by learned counsel for the petitioner, though the disciplinary authority having held that the charges are proved, has not imposed any punishment as is recognized under Rule 14 of the Rules of 1958. The contention of learned counsel for the respondents that the order with regard to how the period has to be treated during the suspension period and how the benefits are to be paid itself is not a punishment and such contentions cannot be accepted. In this regard, Rule 54 of the Rules of 1958 reads hereunder:-

"54.Re-instatement— (1) When a Government servant who has been dismissed, removed, compulsorily retired or suspended is re-instated or would have been re-instated but for his retirement on superannuation while under suspension, the authority competent to order the re-instatement shall consider and make a specific order:—

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty or for the period of suspension ending with the date of his retirement on superannuation as the case may be; and

(b) Whether or not the said period shall be treated as a period spent on duty.

(2) Where such competent authority holds that the Government Servant has been fully exonerated or, in the case of suspension that it was wholly unjustified, the Government servant shall be given the full pay and dearness allowance to which he would have been entitled had he not been dismissed, removed or compulsorily retired as a penalty or suspended, as the case may be.

(3) In other cases, the Government servant shall be given such proportion of such pay and dearness allowance as such competent authority may prescribe.

(4) In a case falling under clause (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.

(5) In a case falling under clause (3) the period of absence from duty shall not be treated as a period on duty unless such authority specifically directs that it shall be so treated for any specified purpose:-

Provided that if the Government so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the Government servant."

9. By going through the above rule, it is clear that whenever reinstatement is ordered, as a result of finality to the disciplinary proceeding, the authority ordering reinstatement is required to specify how the period of suspension is to be treated and how the pecuniary benefits are required to be paid. If the delinquent was fully exonerated, the rule requires that all the benefits are required to be given to him, however, if the exoneration was not full then the authority will have the discretion as to how the period has to be treated and what are the benefits required to be paid. The order regarding how the period has to be treated and how the benefits have to be paid cannot be said to be an order of punishment as prescribed under Rule 14 of the Rules of 1958. Any order of reinstatement requires stating how the said period has to be treated and how the financial benefits are to be accorded. Therefore, the said contention of the learned counsel appearing for the respondents has no force and the same is hereby rejected as such.

10. This Court concurs with the findings of both the disciplinary authority as well as the appellate authority with regard to the findings on proved charges. This Court cannot invoke its power to award punishment by substituting itself as the disciplinary authority. Therefore, the present writ petition is required to be partly allowed.
11. In the result, the present writ petition is partly allowed. The challenge to the findings of the charges proved as ordered by the disciplinary authority and as confirmed by the appellate authority requires no interference. Therefore, the matter is remitted back to the disciplinary authority to impose an appropriate punishment with regard to the charges proved, in terms of Rule 14 of the Rules of 1958.
12. The said exercise shall be done within a period of one month from the date of receipt of a certified copy of this order.
13. If the petitioner is aggrieved by any such order, it is open for him to challenge the same in appropriate proceedings.
14. All the pending applications, if any, shall stand disposed of.

(MUNNURI LAXMAN),J