
(1991) 09 RAJ CK 0040
In the Rajasthan High Court
Case No : C.W.P. No. 3162 of 1989

Daluram Meena	Vs	APPELLANT
State of Rajasthan		RESPONDENT

Date of Decision : 04-09-1991

Acts Referred:

Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 — Rule 17

Citation : (1991) 2 RLW 218 : (1991) 2 WLN 445

Hon'ble Judges : I.S. Israni, J

Bench : Single Bench

Final Decision : Allowed

Judgement

I.S. Israni, J.—In the petition a prayer has been made that order dated June 7, 1978 may be quashed and set aside, by which, the petitioner has been given punishment of stoppage of one grade increment with cumulative effect.

2. It is submitted by Mr. Keshote, learned Counsel that a charge-sheet was served under Rule 17 of CCA Rules on petitioner on October 9, 1972. The interim reply was filed on October 25, 1972 and the final reply was filed on May 5, 1978. Order Annexure-5 is said to have been passed on June 7, 1978. However, the petitioner was not informed about the same. Petitioner earlier filed a writ petition bearing SBCWP No. 273/88 regarding his promotion. In reply to this petition, it was stated by respondents that promotion has not been given to him on account of the penalty awarded to him vide order Anx. 5. It is submitted that thereupon petitioner applied for getting the copy and has filed this writ petition.

3. It is submitted by Mr. B.K. Sharma, learned Additional Govt. Advocate, that petitioner's charge is related in the year 1972 and the order was passed in the year 1978.

4. I have heard both the parties and also gone through the documents on record. The reasons for delay in filing the petitioner has been explained. Evidently when charge sheet was served under Rule 17, major penalty of stopping the one grade

increment with cumulative effect could not have been awarded. It was held by Division Bench Of this Court in Krishna Dutta Sharma v. State of Rajasthan 1987 (1) RLR 346, that is withholding of one grade increment with cumulative effect is major penalty and procedure under Rule 16 must be followed before imposing such penalties. That writ petition deserves to be allowed.

5. In the result, the writ petition is allowed. The order dated June 7, 1978 (Anx. 5) is quashed and set aside. However, the respondents will be at liberty to start enquiry afresh, if they so desire. The petition is allowed as above with no order as to costs.