
(2023) 05 RAJ CK 0003
In the Rajasthan High Court
Case No : Civil Writ Petition No. 18142 Of 2018

Dharmesh Chaudhary

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-05-2023

Acts Referred:

Citation : (2023) 05 RAJ CK 0003

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Dr. Renu Bharti, Rajesh Choudhary, Manish Tak, Neeraj Agarwal

Final Decision : Dismissed

Judgement

Dinesh Mehta, J

1. On 01.12.2018, a co-ordinate Bench of this Court has passed an interim order relying on the statement made by Mr. Choudhary, learned counsel for the petitioner that the petitioner has not been relieved pursuant to the transfer order dated 25.05.2018 and his application for grant of leave for higher studies is pending consideration.

2. Mr. Tak, learned counsel for the respondents, at the outset, invited Court's attention towards the office order dated 05.06.2018 passed by the Superintendent Engineer which has been placed by the petitioner himself and pointed out that the petitioner has been relieved on 05.06.2018, in furtherance of the transfer order dated 25.05.2018.

3. He submitted that since the petitioner has misled this Court, the writ petition deserves to be dismissed.

4. Apart from the fact aforesaid, learned counsel for the respondent invited Court's attention towards para No.4 of the reply and emphatically submitted that since his joining office of respondent No.5 in the year 2011, the petitioner has attended office only for 298 days up to 11.08.2018.

5. He appraised the Court with yet another shocking fact that since passing of the interim order on 01.12.2018, the petitioner has not reported, at Phalodi or even at Rawatsar.
6. In view of the aforesaid, it is clear that the petitioner has misled the Court and has fraudulently procured interim order, due to which the respondents stood restrained from taking any disciplinary proceedings against him, despite his delinquency.
7. The writ petition is, therefore, dismissed with the cost of Rs. 20,000/-.
8. The respondents shall now be free to take appropriate disciplinary proceedings against the petitioner in accordance with law.
9. The cost of Rs. 20,000/- imposed by way of present order shall be recovered from petitioner's salary/dues (if any) in accordance with law.
10. The stay application also stands dismissed accordingly.