

(1992) 03 RAJ CK 0004
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1640 of 1981

Shanker Dan

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 04-03-1992

Acts Referred:

Citation : (1992) 1 WLN 324

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.R. Arora, J.—The only grievance raised by the learned Counsel for the petitioner in this writ petition is that the petitioner and Shri Bajrang Singh were held guilty in the Departmental Enquiry almost on the identical charges but the punishment imposed upon the petitioner is more harsh than that was imposed upon Shri Bajrang Singh. The penalty of removal from service has been imposed upon the petitioner while the penalty of stoppage of one annual grade increment with cumulative effect has been imposed upon Shri Bajrang Singh, which is discriminatory.

2. The Departmental Enquiry was held against the petitioner Shanker Dan and one Bajrang Singh for creating nuisance near the house of Rawat Singh situated in Laxmi Nagar Area of the city of Barmer after taking liquor along with two other persons. In a Departmental Enquiry, the petitioner as well as Bajrang Singh were found guilty and the punishment of removal from service was imposed on both these persons. Both these persons preferred an appeal before the Deputy Inspector General of Police, Jodhpur Range, Jodhpur, who allowed the appeal filed by Bajrang Singh and while maintaining the finding of the guilt, he reduced the punishment imposed upon Bajrang Singh from the removal from service to that of stoppage of one annual grade increment with cumulative effect while the appeal of the petitioner was dismissed. When the petitioner came to know regarding the judgment in the appeal filed by Bajrang Singh, he filed a review

petition Annexure.9 before the State Government. In Annexure.9; it was specifically averred:

Mh- vkbZ- th-] tks/kiqj us ctjax flag dh vihy rks Lohdkj dj yh ijUrq esjh vihy dks vLohdkj dj fn;k tcfd jsdkM+Z ns[kus ls Kkr gqvK fd esjk ekeyk ctjax flag ds ekeys ls cgqr gYdk ekeyk gS vkSj esjs fo:) dksbZ vkjksi lkfcr ugh gksrk A Mh- vkbZ- th- tks/kiqj us esjh vihy dks vLohdkj djus dk dksbZ dkj.k Li"V ugh fd;k gS vkSj izkFkhZ ds lkFk U;k; ugh fd;k gS A

Though a specific ground was raised regarding the discrimination made by the Appellate Authority in imposing the punishment, but that point regarding the sufficiency of the punishment was not considered by the State Government in its order dated June 23, 1981 (Annexure.10) passed in the review petition. The order passed by the State Government in the review petition is not a speaking order and no reasons have been given by the State Government discriminating the petitioner with that of Bajrang Singh regarding the imposition of penalty. As the order passed by the State Government on the review petition does not give any reason on this point. Specifically raised by the petitioner, rejecting the pleas of the petitioner, the order Annexure.10 dated June 23, 1981, passed by the State Government in review, deserves to be quashed and set-aside so far as the penalty of dismissal from service is concerned.

3. In the result, I allow this writ petition and remand the case to the State Government to reconsider the case of the petitioner regarding imposition of penalty, only, in the light of the objections raised by the petitioner in ground ^^vks^^ of the review petition and the punishment imposed in the case of Bajrang Singh.