

(2019) 01 RAJ CK 0020
In the Rajasthan High Court
Case No : Civil Writ No. 15279 Of 2018

Surendra Singh Charan

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 — Rule 16, 17

Citation : (2019) 01 RAJ CK 0020

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Awar Dan Ujjwal

Final Decision : Dismissed

Judgement

This writ petition is directed against the orders dated 29.11.2001 (Annex.4), 24.06.2002 (Annex.5) and 01.07.2009 (Annex.6), whereby the petitioner has been visited with the penalty of stoppage of one grade increment without cumulative effect and the appeal and review filed by the petitioner have been rejected.

The petitioner was issued a charge-sheet under Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 ('the Rules of 1958') on charges pertaining to his unauthorised absence for 18 days. The petitioner filed reply to the notice issued to him. The disciplinary authority by its order dated 29.11.2001 (Annex.4), converted the proceedings into that of Rule 17 of the Rules of 1958 and after considering the submissions made, imposed the penalty of stoppage of one grade increment without cumulative effect, the period of petitioner's absence was regularized by sanctioning P.L. and commuted leave.

The petitioner aggrieved by the said order, filed appeal. The appellate authority by its order dated 24.06.2002 (Annex.5), rejected the appeal and thereafter, the review petition filed by the petitioner was also rejected by the State Government on 01.07.2009 (Annex.6).

It is submitted by learned counsel for the petitioner that the appellate authority as well as reviewing authority have passed non-speaking orders and therefore, the same deserve to be quashed and set-aside.

Explaining the delay it has been indicated that the wife of the petitioner was suffering from illness and therefore, the petitioner could not file petition in time.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

A perusal of the record indicates that though the charge-sheet was issued to the petitioner for major penalty under Rule 16 of the Rules of 1958; on response filed by the petitioner, the proceedings was converted into Rule 17 of the Rules of 1958 and after considering the material as available, the minor penalty was imposed. Against which, the appeal and review petition filed by the petitioner were both rejected by the competent authority way back on 24.06.2002 (Annex.5) and 01.07.2009 (Annex.6) respectively.

The petition has been filed after a passage of over 09 years, a very lame reason has been mentioned in the writ petition that as the petitioner's wife was suffering from illness, the delay occurred in filing the petition. On being asked, learned counsel for the petitioner submitted that for all this period, the petitioner has been regularly serving the respondents.

In view thereof, the reason indicated in the petition appears to be baseless. The petition suffers from unexplained delay and latches of over 09 years.

So far as the submissions regarding merit of the orders passed by two authorities i.e. appellate authority as well as reviewing authority are concerned, looking to the nature of matter, wherein in reply to the notice under Rule 16, the petitioner has admitted his absence without sanction of the leave, imposition of penalty and passing of the orders by two authorities on appeal and review cannot be faulted.

In view of the above discussion, there is no substance in the writ petition. The same is, therefore, dismissed.