



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 5490/2026

Pradeep Gupta S/o Shri Subhash Chand Gupta, Aged About 40
Years, R/o 224 Bhamatipura, Distt. Dholpur (Raj.).

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, Through Its
Managing Director, Transport Bhawan, Parivahan Marg,
Jaipur.
2. The Executive Director (Traffic), Rajasthan State Road
Transport Corporation, Transport Bhawan, Parivahan
Marg, Jaipur (Raj.)
3. The Deputy General Manager (Administration), Rajasthan
State Road Transport Corporation Headquarters,
Pariwahan Marg, Jaipur (Raj.).
4. The Chief Depot Manager, Rajasthan State Road Transport
Corporation, Dholpur Depot, District-Dholpur (Raj.)

----Respondents

For Petitioner(s) : Mr. Sanjay Joshi
For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/03/2026

1. Considered submissions of learned counsel for petitioner.
2. Pursuant to order dated 27.11.2025, a representation is filed
by the petitioner to the respondent, which was decided on
16.01.2026. A perusal of order dated 16.01.2026 indicated
that after referring the order passed by this Court and the
facts relating to the case, the representation was disposed of
by the Executive Officer (Traffic) only on the ground that the
suspension is justified. The order does not speak about the



reasons which are required to assigned at the time of disposal of representation, pursuant to order dated 27.11.2025 in Writ Petition No.18405/2025.

3. While deciding the writ, this court has referred judgment in cases of **Parbat Singh Vs. The Rajasthan State Road Transport Corporation and Anr. (S.B. CWP No. 1124/2017)**, **Sahdev Ram Bhakal Vs. RSRTC and Anr. (order dated 24.11.2025 in S.B. Civil Writ Petition No. 22929/2025)** and also in case of **Ajay Kumar Choudhary Vs. Union of India Through Its Secretary and Another reported as AIR 2015 SC 2389** but without considering the legal positions as laid down in these cases, the Executive Director (Traffic) has decided the representation which reflect brain drain in the RSRTC.
4. Learned counsel for petitioner has also referred regulation No.35 of the Standing Order relating to suspension and same is reproduced as under:

SUSPENSION

35.(i) Competent authority may suspend a worker for any act or omission of misconduct as described in standing order No. 34 by an order in writing and a charge sheet shall be served within 15 days containing specific charges on which each charge is based and asking him to state whether he desires to be heard in person.

(ii) A worker shall be required to submit his explanation in writing within a week from the date of service of charge sheet and if he desires to be heard in person a summary enquiry shall be held.

(iii) During summary enquiry, a suspended worker shall be given an opportunity to cross-examine witnesses or





to have such witness called as he may wish or to explain circumstances alleged against him.

(iv) An order in writing referred to in clause (i) above shall take effect immediately on delivery to worker, and in the event of refusal by the worker to accept delivery of the said order served on him, the affixing of the same on a notice board at the place of his posting will be deemed to be a sufficient service on him.

(v) Deleted.

(vi)(a) Where on a complaint of misconduct against a workman, disciplinary proceedings against him are contemplated or are pending or where a case against him in respect of any criminal offence is under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may do so by serving on the workman an order in writing to that effect. Such an order shall take effect immediately on delivery to the workman. It shall be accompanied by a charge sheet explaining in details the reasons for such suspension and the workman shall be given an opportunity for defending himself.

(b) The workman, who is placed under suspension shall during the period of such suspension, be paid subsistence allowance at the following rates-

(i) Where the enquiry is departmental, the subsistence allowance shall be equal to 1/2 of his wages as defined in the Payment of Wages Act, 1936 (Central Act 4 of the 1936), for the first 90 days. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding 90 days the subsistence allowance, shall be paid @ 3/4 of the wages, but if the enquiry is delayed beyond 90 days due to reasons directly attributable to the workman, the





subsistence allowance shall be reduced to 1/4th of the Wages,

(ii) Where the enquiry is by an outside agency or as the case may be, where any criminal charge against the workman is under investigation or trial, the subsistence allowance shall be equal to 1/2 of his wages as defined in the Payment of Wages Act, 1936 (Central Act 4 of 1936), for the first 180 days. If such an enquiry gets prolonged and the workman continues to be under suspension for a period exceeding 180 days. the subsistence allowance shall be paid @ 3/4 of the wages. But if the enquiry is delayed beyond 180 days due to reasons directly attributable to the workman the subsistence allowance be reduced to 1/4 of the wages.

(c) If on conclusion of the enquiry, or as the case may be, of the criminal proceedings the workman has been found guilty of the charge and it is considered that an order of dismissal may meet the ends of justice, the employer shall pass orders accordingly. When such orders are passed the workman shall be deemed to have been absent from duty during the period of such suspension and shall not be entitled to any remuneration for such period but the subsistence allowance already paid to him shall not be recovered.

Provided that in case of a workman to whom the provisions of clause (2) of Article 311 of the Constitution of India apply the provisions of the Article shall be complied with.

(d) If, on conclusion of the enquiry or as the case may be, of the criminal proceedings, the workman has been found not guilty of the charge, he shall be deemed to have been on duty during the period of such suspension and shall be entitled to the same wages as he would





have received if he had not been suspended, after deducting subsistence allowance paid to him for such period.

(e) The payment of subsistence allowance shall, however, be subject to the workman concerned not taking any employment during the period of his suspension.

(vii) An appeal against and appealable punishment imposed shall lie to the next higher authority and shall be preferred within 30 days of the passing of the orders. Decision of the next higher authority shall be final.

5. The reasons are live-links between the minds of the decision taker to the controversy in question and the decision arrived at. Time and again it has been said that whenever any decision is taken which adversely affect any of the party, then it is duty of the decision-making authority to assign reason for allowing the representation filed by petitioner, or dismissal of the representation.
6. Considering aforesaid, the writ petition is disposed of at this stage and order dated 16.01.2026 passed by Executive Officer (Traffic), RSRTC is set aside and the matter is remitted back to the Managing Director, RSRTC for decision afresh on the representation filed by petitioner, pursuant to order dated 27.11.2025.
7. Before parting the order, it is appropriate to direct the Principal Secretary, DoP to ensure that Dr. Jyoti Chauhan, Executive Director (Traffic) is given training about the procedure and legal principles, but before training, she





should not discharge any duty relating to management of human resource in respondent corporation.

8. Accordingly, the writ petition along with misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J

PREETI VALECHA /27

