



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



S.B. Civil Writ Petition No. 2853/2015

Ashok Kumar Saini S/o Shri Kajodmal Saini aged 56 years, R/o
A-11, Ved Villa, Suresh Farm, Ram Nagar, Sodala, Jaipur

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, Parivahan Marg, C-Scheme, Jaipur through its Chairman cum Managing Director
2. The General Manager (Tyre) Rajasthan State Road Transport Corporation, Tyre Plant, Jaipur
3. The Chief Manager, Rajasthan State Road Transport Corporation, Vaishali Nagar Depot, Jaipur

----Respondent

For Petitioner(s) : Mr. Babu Lal Sharma
For Respondent(s) : Mr. R.K. Paliwal

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

21/04/2026

1. With the consent of the learned counsel for the parties, the matter is heard for final disposal at the admission stage itself.
2. The present writ petition has been filed challenging the order dated 21.01.2015 (Annexure-1), whereby the petitioner was directed to pay an amount of Rs.57,868/- towards recovery for the missing stock.
3. The case of the petitioner is that the petitioner was working as a Mechanic Grade-III and while working as such, the respondent authority conducted physical verification of the stock and found that 8 tyres and 6 wheel rims were missing. Basing on





the said verification report, a show cause notice was issued and the petitioner submitted his explanation stating that the petitioner was transferred from the concerned place on 08.07.2013 whereas the audit was done on 05.08.2013 and at the time of audit the petitioner was not posted at that particular place; therefore, he cannot be made liable for such loss.

4. The case of the respondents is that as per physical verification done by the respondent authorities, they found that 8 tyres and 6 wheel rims were missing from the stock. As a result, the cost of the missing stock was ordered to be recovered from the petitioner by issuing a notice and after receiving the explanation.

5. Having gone through the charges, this Court finds that there is a serious charge of misappropriation. When there is any serious misconduct which resulting in financial loss to the respondents, the respondents ought to have initiated appropriate proceedings as permissible under the regulations. In the present case, simply basing on the verification report, a show cause notice has been issued and after submission of petitioner's explanation to the show cause notice, the impugned order of recovery has been passed. The impugned order does not speak about the defence set up by the petitioner in his explanation stating that at the time of physical verification, the petitioner was not posted at the concerned place where physical verification as he was transferred. The impugned order also does not speak whether the deficit tyres and wheel rims went missing during the period in which the petitioner was posted at the concerned place. The impugned order suffers from



vagueness and the required procedure has not been followed; on this ground, the impugned order is liable to be set aside.

6. In the result, the writ petition is **allowed** and the impugned order dated 21.01.2015 (Annexure-1) is set aside.

7. All pending applications, if any, stand disposed of.

(MUNNURI LAXMAN),J

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