



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 17090/2023

CNR: RJHC010786202023 | URN: CW / 34582U / 2023

Pintu Lal Jat S/o Shri Jamna Lal, Aged About 37 Years, R/o Dev Vihar, Gulabpura, District- Bhilwara (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Department, Jaipur (Rajasthan).
2. The Director-Cum-Special Secretary, Directorate Local Self Department, Government Of Rajasthan, Jaipur (Rajasthan).

-----Respondents

For Petitioner(s) : Mr. Suniel Purohit
For Respondent(s) : Ms. Meenal Singhvi for Mr. Rajesh Panwar, AAG

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

13/08/2026

1. The matter comes up on Second Stay Petition No.4303/2025 preferred by the petitioner seeking a limited prayer that during pendency of the writ petition, the respondent authority may be directed to consider his case for upcoming promotional post i.e. Commissioner and issue necessary orders in this regard.
2. At the joint request of learned counsel for both the parties, the matter is heard finally.
3. This writ petition lays a challenge to the charge-sheet dated 25.06.2021 (Annex.-5) as well as penalty order dated 27.06.2023 (Annex.-8), passed by the respondent No.2 – Director-Cum-Special Secretary, Directorate of Local Self Department, Government Of Rajasthan, whereby, while holding the petitioner guilty for the alleged charge, a penalty of withholding one annual



grade increment, without cumulative effect, was imposed upon the petitioner.

4. Heard learned counsel for the parties.

5. Mr. Suniel Purohit, learned counsel for the petitioner submitted that petitioner was working on the post of Executive Officer-IV, Municipal Board, Shahpura, District-Bhilwara. He further submitted that during tenure of his service, an inauguration ceremony of "Modern Toilets" under RURIP Phase-II Scheme was scheduled to be held on 05.03.2020. The Municipal Board, Shahpura vide invitation letter dated 02.03.2020, invited and sought acceptance of the local M.L.A. of Shahpura constituency in respect of the above ceremony. He further submitted that due to some miscommunication or inadvertence at the part of the petitioner, which was not intentional, the local M.L.A. could not attend the inauguration ceremony and the same was concluded in the presence of other invited dignitaries, officials and the general public, however, the name of the local M.L.A. Shahpura was mentioned on the laying foundation stone (inscription). Thereafter, the local M.L.A. filed a complaint before the Hon'ble Minister, Local Self Department for not inviting him in the inauguration ceremony and non-reflecting his name and the name of the Member of the Lok Sabha on the laying foundation stone (inscription). He further submitted that while acting upon the aforesaid complaint, the respondent No.2 placed the petitioner under suspension w.e.f. 07.03.2020 in contemplation of Department Enquiry under Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 (hereinafter referred



to as "the Rules of 1958"). Thereafter on 02.06.2020, aforesaid suspension order was revoked.

6. Learned counsel contended that on the basis of the aforesaid complaint, the respondent - Local Self Department sought an explanation from petitioner on 24.06.2020 to which petitioner filed his detailed reply-cum-explanation dated 09.07.2020 while giving explanation on the matter. After considering petitioner's reply-cum-explanation, the respondents-authorities found the petitioner not guilty for the so called incident.

7. Learned counsel argued that in spite of the fact that the respondents-authorities found the petitioner not guilty of the so called incident, at the instance of Hon'ble Minister of Local Self Department, the respondent No.2-Director-Cum-Special Secretary, Directorate Local Self Department issued a charge-sheet dated 25.06.2021 to the petitioner under Rule 16 of the Rules of 1958. In the statement of charge, one charge levelled against the petitioner was in connection with not inviting the M.L.A. Shahpura for the inauguration ceremony and for non-mentioning his name in the laying foundation stone (inception). He further submitted that in the detailed reply dated 05.07.2021, petitioner specifically denied the charges levelled against him and prayed for dropping the disciplinary proceedings against him. The competent authority, after considering the reply and the material available on record, found the petitioner not guilty of the charge and proposed to drop the proceedings against the petitioner (which was later on approved by the higher authorities of Local Self Department), which is evident from perusal of the note-sheets, received by the



petitioner under the Right to Information Act, 2005 which is reproduced as under:-

"श्री जाट द्वारा संलग्न किये गये दस्तावेजों से उनके इस कथन की पुष्टि होती है कि माननीय विधायक महोदय को नगर पालिका अध्यक्ष एवं अधिशासी अधिकारी के संयुक्त हस्ताक्षरों से आमंत्रण पत्र जारी किया गया था। यह भी विचारणीय तथ्य है कि फूलडोल मेले में काफी लोगों के आने की संभावना के मध्येनजर जनहित में इन आधुनिक शौचालयों का लोकार्पण आवश्यक था। माननीय विधायक महोदय से अधिशासी अधिकारी द्वारा इस बाबत दूरभाष पर संपर्क करने का प्रयास किया गया लेकिन कतिपय तकनीकी समस्या और माननीय विधायक महोदय के विधानसभा में होने के कारण संपर्क नहीं हो पाया।

श्री पिन्टूलाल जाट के द्वारा दिये गये जवाब/स्पष्टीकरण से यह ज्ञात होता है कि इस प्रकरण के समस्त तथ्यों से पालिका अध्यक्ष एवं स्वयं उनके द्वारा माननीय मंत्री महोदय को व्यक्तिगतरूप से अवगत कराये जाने पर ही प्रार्थी को निलम्बन से बहाल करते हुए नगर पालिका, गुलाबपुरा में अधिशासी अधिकारी के पद पर पदस्थापित किया गया है।

वस्तुस्थिति यह है कि हालांकि अधिशासी अधिकारी श्री पिन्टूलाल जाट की माननीय विधायक महोदय को आमंत्रित नहीं किया जाये, ऐसी कोई जान-बूझ कर की गई मंशा या दुर्भावना प्रतीत नहीं होती है। तथापि उन्हें भविष्य में माननीय जनप्रतिनिधिगणों के सम्मान और उनकी भावनाओं का पूरा ध्यान रखते हुए तथा इस सम्बन्ध में राज्य सरकार द्वारा समय समय पर जारी दिशा निर्देशों की पूर्णतया पालना सुनिश्चित करते हुए कार्य करने तथा ऐसे किसी कृत्य की पुनरावृत्ति नहीं करने के निर्देश देते हुए प्रकरण का निस्तारण किये जाने पर विचार किया जा सकता है।

हालांकि श्री पिन्टूलाल जाट राजस्थान नगर पालिका प्रशासनिक सेवा में अधिशासी अधिकारी-III श्रेणी के अधिकारी हैं जिनके निलम्बन, बहाली एवं अनुशासनिक कार्यवाही बाबत निर्णय की अधिकारिता विभागाध्यक्ष-निदेशक महोदय को प्राप्त है किन्तु प्रस्तुत प्रकरण में श्री पिन्टूलाल का का निलम्बन/अनुशासनिक कार्यवाही, निलम्बन से बहाली एवं अधिशासी अधिकारी गुलाबपुरा के पद पर पदस्थापन सम्बन्धी निर्देश माननीय मंत्री महोदय के स्तर पर प्राप्त हुए हैं, अतः श्री पिन्टूलाल जाट द्वारा प्रस्तुत स्पष्टीकरण के आधार पर प्रकरण माननीय मंत्री महोदय के अवलोकनार्थ एवं निर्णयार्थ भिजवाया जाना उचित होगा। "

8. Learned counsel for the petitioner contended that the petitioner was bonafide in making arrangement of the inauguration ceremony and there was no ill intention of the petitioner in the incident occurred, however, due to inadvertence or some miscommunication, the mistake occurred. He also submitted that after thorough enquiry into the matter, the



respondents-authorities proposed to drop the proceedings against petitioner. However, when the matter was referred to the Hon'ble Minister, a remark was made by the Hon'ble Minister, which reads as under:-

“टिप्पणी (कर्मिक)

पैरा 104/N में जवाब पूर्ण संतोषजनक नहीं माना है, तो मात्र चेतावनी दिये जाने का कोई औचित्य नहीं है। एक वेतन वृद्धि असंचयी प्रभाव से रोकने का दण्ड दिया जावे”

9. It is argued by learned counsel for the petitioner that the Hon'ble Minister has no role to play in this matter, when specific Departmental Enquiry has been conducted and the respondents-authorities found the petitioner not guilty of the charge and proposed to drop the proceedings against him, however, on the basis of the remark made by the Hon'ble Minister, the impugned order was passed.

10. Learned counsel further submitted that a Coordinate Bench of this Court vide order dated 21.02.2025, while issuing notice of the second stay application, directed the Review Departmental Promotion Committee to consider petitioner's case for promotion and keep petitioner's result in a sealed cover and produce the result of the review DPC before the Court on the next date of hearing. He further submitted that at the time of hearing of the first stay application, a Coordinate Bench of this Court vide order dated 04.12.2023 also stayed the effect and operation of the order dated 27.06.2023, passed by the respondent No.2 – Director-Cum-Special Secretary, Directorate Local Self Department, Government Of Rajasthan.

11. Learned counsel for the petitioner contended that after giving three opportunities, no result of review DPC has been



produced till today. He, therefore, prayed that considering the overall facts and circumstances of the case, the impugned penalty order may be quashed and set aside.

12. Per contra, Ms. Meenal Singhvi, assistant to Mr. Rajesh Panwar, learned Additional Advocate General, submitted that petitioner committed the mistake of non-inviting the local M.L.A. in the inauguration ceremony. She further submitted that after considering the recommendation of Hon'ble Minister, a penalty order was passed against the petitioner and the petitioner is having alternative remedy of filing appeal against the order imposing penalty and the said remedy has not been exhausted by him till today. Rather, petitioner has filed the present writ petition, which is not maintainable. She therefore prayed that this Court should not interfere in the matter and writ petition be dismissed.

13. While producing an order dated 10.06.2026, passed by the Director-Cum-Special Secretary, Directorate Local Self Department, Government Of Rajasthan, Ms. Singhvi submitted that in compliance of the order dated 21.02.2025, passed by a Coordinate Bench of this Court, a review committee was constituted and the case of the petitioner was also considered for promotion on the post of Executive Officer-II. The order dated 10.06.2026 is taken on record.

14. I have considered the submission advanced by the rival parties and perused the material available on record.

15. It is evident from the office notice 17.07.2020 that after considering the reply/explanation of the petitioner, the respondents were of the view that it was not intentional mistake of the petitioner in not inviting the local M.L.A. and, therefore,





they proposed to drop the proceedings against the petitioner. However, in spite of the recommendation for dropping the proceedings, the impugned penalty order was passed only on the basis of the recommendation of the Hon'ble Minister concerned who has no authority for the same. However, the respondent-authority has passed the impugned order ignoring the fact that after completion of departmental enquiry, the entire proceedings were proposed to be dropped by the respondents. Furthermore, looking to the service record of the petitioner, he was promoted to the post of Executive Officer-II. Merely, on the basis of the recommendations of the Hon'ble Minister, the penalty order issued against the petitioner, cannot be held justified.

16. Having heard learned counsel for the parties; considering the totality of the facts and circumstances of the case; perusal of material available on record and office notes, more specifically the office note dated 17.07.2020; and communication/ order passed by the respondent-Department dated 10.06.2026, this Court is inclined to allow the writ petition and quash the penalty order.

17. Accordingly, the writ petition is allowed. The penalty order dated 27.06.2023, passed by the respondent No.2 – Director-Cum-Special Secretary, Directorate Local Self Department, Government Of Rajasthan, is quashed and set aside.

18. The respondents are directed to accord due benefits to the petitioner. The entire exercise be carried out within a period of six weeks from the date of submission of a copy of this order.

19. Stay application and pending applications, if any, also stand dismissed.

(MUKESH RAJPUROHIT),J

71/Ramesh Goyal

