



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



S.B. Civil Writ Petition No. 1665/2024

Pawan Meena

-----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Personnel (DoP), Secretariat, Jaipur (Rajasthan)-302005.
2. Director General Of Police, Rajasthan, Police Headquarter, Lal Kothi, Jaipur (Rajasthan)-302015.
3. Deputy Secretary To Government, Department Of Personnel (DoP)- (B), Rajasthan, Secretariat, Jaipur (Rajasthan)- 302005.
4. Assistant Secretary To Government, Department Of Personnel (Dop)- (B-1), Rajasthan, Secretariat, Jaipur (Rajasthan)- 302005.

-----Respondents

For Petitioner(s) : Mr. Tribhuvan Narayan Singh
For Respondent(s) : Mr. Ajay Rajawat for
Mr. S.S. Raghav, AAG

HON'BLE MR. JUSTICE SAMEER JAIN
Order

Reportable

02/02/2024

The instant petition is filed under Article 226 of the Constitution of India.

It is submitted by learned counsel for the petitioner that the order of suspension was passed on 24.02.2023, by the DoP Rajasthan. Learned counsel averred that as back as on 23.08.2023, the petitioner filed a representation before the respondents for the revocation of suspension and reinstatement in



service with all consequential benefits. The said representation was quite detailed, incorporating within its body the grievance of the petitioner as well as the arguments/explanations put forth in connection therewith. However, no heed was paid to the said representation by the respondents and as a result, the petitioner is compelled to file the instant petition.

In addition to the aforesaid, it was argued that it has become a regular practice of the State to lend a deaf ear to the representations preferred by the aggrieved parties, thereby leaving them with no option, but to knock at the doors of this Court at the very instance. The said practice further detonates the financial health of the already aggrieved litigants, as they are born with the cost of litigation.

Neither was the learned counsel for the State able to dispute the fact of service of the representation dated 23.08.2023, nor was he able to furnish any explanation qua the factum of non-consideration of the representation by the respondent-State.

Considering the arguments advanced above, this Court deems it appropriate to note that the State, by constitution as well as practice is a welfare-state. The State, whilst exercising governance over its citizens, is expected to protect and promote the citizen's social and economic well-being, based on the ideals of equal and due opportunity and public responsibility for citizens who find it difficult and/or are unable to bare the necessities of life.

With the aforementioned duty, comes the inherent task of being the 'first-responders' to the statements of grievance put



forth by its citizens, albeit in the capacity of State employees or otherwise.

At the same time, it is noted that the writ court, whilst exercising jurisdiction under Article 226/227 of the Constitution of India, employs a discretionary approach, where in the presence of an alternate and efficacious remedy, the Courts often ponder in delegating the dispute to the said alternate authority, better equipped with experts or otherwise, to entertain the dispute. Resultantly, in service matters, the primary expert and/or the body possessing the complete acumen regarding the issue is the State itself, being one of the parties to the litigation before the Court.

Therefore, by assiduously addressing the grievance put forth by the aggrieved employees and acting as first responders, the State can very well do itself a favour and reduce the litigation before it substantially. It goes without saying that the State is patently/obviously not under the responsibility to address the representations positively in favour of the aggrieved-employees. Rather, the only requirement it ought to fulfill is that of providing an ear to their grievance, and thereafter pass appropriate speaking orders in compliance of the principles of natural justice, which may or may not address the aggrieved employee's concerns to their liking. However, by said the careful consideration of the representations received by the State, even if a fraction of the grievance(s) are resolved, of which the cost is born by the State exchequer as well as the litigating employees, the litigation before the Courts wherein the State is a party shall reduce immensely.





Even otherwise, the State must take-away/embody the spirit of Section 89 of the Code of Civil Procedure and make a genuine attempt to redress the employee's grievances by way of speaking orders, passed in response to the representations so preferred by them.

It also goes without saying that rendering the representations preferred by the aggrieved employees mute, by way of non-consideration by the State, is reflective of conduct unbecoming of government servants who are tasked with the noble responsibility to serve the citizens, including the State employees, and maintain their confidence in the State. By merely adjudicating upon representations, the State shall not only lend itself a helping hand, but also extend the same courtesy to the litigants, Courts/Tribunals and also the State Exchequer, by way of reducing litigation costs.

In this regard, Chief Secretary for the State is directed to issue instructions to the State instrumentalities to consider the representations of aggrieved parties and dispose of the same by way of speaking orders, so that frivolous/uncalled for litigation is cut-down before the already exceedingly over-burdened courts.

Resultantly, in the facts and circumstances of the present case, the respondent-State is directed to pay due and timely heed to the representation preferred by the petitioner on 23.08.2023 and thereafter, pass a speaking order within a period of 30 days. It is expected that the principles of natural justice shall be adhered with.

In terms of the directions noted above, the instant petition is disposed of.



A copy of this order be sent in the office of Chief Secretary and Law Secretary for State of Rajasthan for necessary compliance.

Registrar (Judicial) to send a copy of this order to the Chief Secretary at the earliest to effectuate compliance.

List the matter on 04.03.2024 for observing compliance.

Name of AG be shown in the case list.

(SAMEER JAIN),J

JKP/52