



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

S.B. Civil Writ Petition No. 3222/2023

----Petitioners

Versus

1. The Rajasthan State Road Transport Corporation, Chomu House, Parivahan Marg, Jaipur Through Its Chairman And Managing Director.
2. The Executive Director (Administration), Rajasthan State Road Transport Corporation, Parivahan Marg, Jaipur (Rajasthan)
3. Chief Depot Manager, Rajasthan State Road Transport Corporation, Barmer Depot, District Barmer.
4. Chief Depot Manager, Rajasthan State Road Transport Corporation, Sirohi Depot, District Sirohi.
5. Chief Depot Manager, Rajasthan State Road Transport Corporation, Jalore Depot, District Jalore.

----Respondents

For Petitioner(s) : Mr. R.R. Ankiya
For Respondent(s) : Mr. Suniel Purohit

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

23/05/2023

Heard learned counsel for the parties.

The present writ petition has been filed with the following prayers :-

"a. the writ petition may kindly be allowed and the respondents may kindly be directed to withdraw his



decision of entering the name of petitioners for deputing them to perform the duties of Driver through order of duty charts (Annex.3) respectively and to allow the humble petitioners to serve as a conductor only in the corporation.

b. by an appropriate writ, order or direction, may kindly be please to declare the order dated 07.07.2022 (Annex.2) issued by the respondent no.2 Executive Director (Administration), Rajasthan State Road Transport Corporation, illegal, arbitrary and unjust and same may kindly be quashed and set aside.

c. Direct the respondents not to delete the name of the petitioners from the Duty Chart meant for Conductor”.

Learned counsel for the respondent submits that on earlier occasion for same relief, the present petitioners had approached this Court by way of filing a S.B.Civil Writ Petition No.18793/2019 (Jetha Ram & Ors. vs. Rajasthan State Road Transport Corporation & Ors.). The said writ petition was dismissed by this Court vide order dated 22/07/2022. Against the order dated 22/07/2022, an appeal has been filed before the Hon'ble Division Bench and the same is pending consideration till today.

Learned counsel for the respondent submits that for the same relief, the petitioners without disclosing the fact of similar writ petition having been filed, obtained an interim order from this Court. He submits that this is nothing but an abuse of process of law and therefore prays that the present writ petition may be dismissed with heavy costs.

Learned counsel for the petitioners is not in a position to counter the submissions made by learned counsel appearing for the respondent.

In the circumstances, this Court has no hesitation to come to the conclusion that the petitioners have approached this Court by way of filing the present writ petition for the same relief for



which they have earlier approached this Court by way of filing writ petition and the same having been dismissed vide order dated 22/07/2022. The fact of filing of earlier writ petition has not been disclosed in the present writ petition.

The non-disclosure of filing earlier writ petition in the present writ petition is nothing but suppression of material fact by the petitioners. The interim order obtained by the petitioners in this writ petition is based on misstatement of fact and suppression of material facts. The matter is required to be viewed very seriously as the same amounts to abuse of process of law.

It is well settled in law that the relief under Article 226 of the Constitution is discretionary and a petitioner who approaches this Court for such relief must come with clean hands. If he fails to do so and suppresses material facts, his petition/application is liable to be dismissed.

In view of the discussions made above, the writ petition is, hereby, dismissed with cost of Rs.50,000/- (Rupees : Fifty Thousand) to be paid by each of the petitioners to Secretary, Legal Aid Services Authority, Rajasthan High Court Campus, Jodhpur. If the cost is not deposited by the petitioners within a period of two months from today then the respondents will be at liberty to recover the same from the petitioners and deposit in the Legal Aid Services Authority, Rajasthan High Court Campus, Jodhpur.

(VINIT KUMAR MATHUR),J

259-SanjayS/-