

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

S.B. Civil Writ Petition No. 4771/2026

Hetram S/o Shri Sohan Lal, Aged About 51 Years, Resident Of
Ward No. 6, Jaton Ka Mohalla, 20 Hmh, District Hanumangarh,
Rajasthan.

-----Petitioner

Versus

1. The Rajasthan State Road Transport Corporation, Chomu House, Parivahan Marg, Jaipur Through Its Managing Director.
2. The Executive Director (Administration), The Rajasthan State Road Transport Corporation, Parivahan Marg, Jaipur.
3. The Administrative Officer (Mechanical), The Rajasthan State Road Transport Corporation, Headquarter, Jaipur.
4. The Chief Depot Manager, Rajasthan State Road Transport Corporation, Hanumangarh Depot, District Hanumangarh, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Inderjeet yadav
For Respondent(s)	:	Mr. Harsh Purohit for Mr. Harish Purohit

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. This writ petition has been filed by the petitioner seeking following reliefs:

- “(i) by an appropriate writ, order or direction, may kindly be please to declare the impugned act and action of withholding salary of the petitioner by respondent no. 4 Chief Depot Manager, Rajasthan State Road Transport Corporation, Hanumangarh Depot, District, Hanumangarh, illegal, arbitrary and unjust and same may kindly be quashed and set aside;
- (ii) By an appropriate writ, order or direction to the respondent RSRTC department to reinstated to full salary of the petitioner and respondent department also directed to prevented of any unfair action of salary withholding.

(iii) By an appropriate writ, order or direction, in case salary has been withhold during the pendency of this writ petition, the same is ordered to be refunded to the petitioner with interest @ 18% per annum, from the date of withholding salary till the date of payment.

(iv) any other appropriate order or direction which this Hon'ble Court considers just and proper and fact and circumstance of the case may kindly be passed in favour of the petitioner.

(v) cost of writ petition may kindly be awarded to the petitioner.”

2. Brief facts of the case are that the petitioner was appointed as Driver under the Rajasthan State Road Transport Corporation (RSRTC) vide order dated 06.08.2013 (Annex.1) and joined at Hanumangarh Depot, performing driver duties with a valid license until 2018 when he suffered from fracture of shaft of left Femur; the Medical Board recommended light duties, leading to his reassignment to other work at Hanumangarh Depot. Vide circular dated 09.10.2025 (Annex.5), Respondent No.2 directed unit in-charges to enforce 3000 kms monthly driving for drivers/conductors but exempted medically unfit personnel via SMS Hospital examination; despite this, the petitioner—medically unfit—faced periodic transfers to route duties, daily duty charts assigning him driving, and salary withholding for non-compliance due to health reasons, prompting this writ petition.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Driver in the respondent Corporation. Subsequently, on the Medical Board's opinion declaring him unfit for driving duties, he was reassigned to office/civil duties.

4. Learned counsel further states that the petitioner underwent examination by multiple Medical Boards, all of which consistently

found him unfit for driver duties, leading to successive postings on civil duties and despite these valid reassignments remaining in force and without any communicated order to the contrary, the respondents have withheld the petitioner's salary. He thus seeks appropriate relief from this Court.

5. Learned counsel petitioner submits that the issue involved in the present writ petition is squarely covered by the Coordinate Bench decision dated 16.12.2025 in the case of ***Azaz Ahmad Vs. Rajasthan State Road Transport Corporation & Ors.: SBCWP No.24014/2025.***

6. Learned counsel for the respondents submits that the petitioner's medical unfitness led to salary withholding, however, learned counsel is not in a position to refute the fact that the issue involved herein is squarely covered by order passed in the case of Azaz Ahmad (supra).

7. Having considered the submissions and perused the judgment passed in the case of Azaz Ahmad (supra), this Court finds the Coordinate Bench has authoritatively addressed the precise issue: respondents cannot withhold salary absent a specific, communicated order, even where an employee performs civil duties post-medical reassignment.

8. For ready reference, the relevant paragraphs from Azaz Ahmad (supra) are reproduced hereunder:

“8. This Court also found that there is no justification for the respondents to withhold the salary of the petitioner when there is no specific order in this regard. As long as the petitioner is discharging his duties in the civil post as per the orders passed by the respondents, they are duty bound to extend the salary unless any other specific order is in force

withholding the salary which has been communicated to the petitioner.

9. Considering the above facts and circumstances, the present writ petition is disposed of with the following directions:

- i. The respondent No. 3 - Chief Manager, Rajasthan State Road Transport Corporation, Abu Road Depot is directed to forward the representation of the petitioner, if any filed, to the headquarters. If no representation is filed, liberty is given to the petitioner to file fresh representation within a period of one week from today.
- ii. The headquarters shall fix the date and time for appearance of the petitioner before the fresh medical board and such date and time shall be intimated to the petitioner.
- iii. On such intimation, the petitioner shall positively appear before the medical board on the fixed date and time.
- iv. If the petitioner fails to appear before the medical board on the fixed date and time without any reasonable cause, the respondent authorities are at liberty to take appropriate action.
- v. After medical examination of the petitioner, if the medical board finds the petitioner unfit to perform driver duties, the petitioner shall not be assigned driver duties and he shall be assigned other duties.
- vi. Till the report is submitted by the fresh medical board, the petitioner shall be allowed to continue the work that he is already discharging.
- vii. Additionally, the respondents are directed to pay the arrears of salary to the petitioner and continue to pay the regular salary till a proper decision is taken on the opinion of the fresh medical board.
- viii. Liberty is given to the respondents to seek recall with regard to the direction to pay the salary to the petitioner if any specific order to withhold the salary was passed in accordance with law."

9. In view thereof, the present writ petition stands disposed of with identical directions as in Azaz Ahmad (supra), which are already quoted in the just preceding paragraph.

(DR.NUPUR BHATI),J