

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

S.B. Civil Writ Petition No. 4857/2026

Himmat Khan S/o Shri Sagaru Khan, Aged About 55 Years,
Resident Of Ra Nagar, Bhindusi, Tehsil Tijara, District Khairthal
Tijara (Rajasthan).

-----Petitioner

Versus

1. The Rajasthan State Road Transport Corporation, Chomu House, Parivahan Marg, Jaipur Through Its Managing Director.
2. The Executive Director (Administration), Rajasthan State Road Transport Corporation, Parivahan Marg, Jaipur.
3. The Chief Depot Manager, Rajasthan State Road Transport Corporation, Tijara Depot, District Khairthal Tijara (Rajasthan)

-----Respondents

For Petitioner(s) : Mr. Inderjeet Yadav.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. Learned counsel for the petitioner submits that in similar controversy, a Coordinate Bench of this Court has granted interim order on 19.01.2026 in SBCWP No.773/2026 (Aanda Ram Vs. Rajasthan State Road Transport Corporation), while issuing notice.
2. The said order dated 19.01.2026 is reproduced hereunder:

"1. Heard on the interim stay application.

2. The learned counsel appearing for the petitioner submits that the petitioner is presently working on the post of Driver with the respondents. The recovery is sought to be made on the ground that there was a wrong payment arising out of wrong grant of Selection Grade benefits. The petitioner is a Class III employee. It is also submitted that such payment was not obtained by the petitioner by playing fraud or misrepresentation.

3. *The aforesaid contentions are based on the judgment of the Hon'ble Supreme Court in the case of State of Punjab & Ors. Vs. Rafiq Masih reported in 2015 (4) SCC 334.*
4. *In the said circumstances, there shall a stay of the impugned orders dated 29.12.2025 (Annex.8).*
5. *Admit. Issue notice, returnable within a period of four weeks.*
6. *List the matter on 26.02.2026."*

3. In view of the submissions made, issue notice. Issue notice of the stay application as well.
4. In the meanwhile, the respondents are restrained from effecting recovery from the petitioner.
5. Connect with SBCWP No.773/2026, as prayed.

(DR.NUPUR BHATI),J