

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

S.B. Civil Writ Petition No. 3968/2004

Megh Singh s/o Heer Singh, r/o Naya Nagar, Gudamalani District Barmer. At present Driver, Rajasthan State Road Transport Corporation, Jodhpur Depot, Jodhpur.

-----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, through its Chairman, Parivahan Marg, Jaipur
2. The Chief Manager, Rajasthan State Road Transport Corporation, Jodhpur Depot, Jodhpur.

-----Respondent

For Petitioner(s)	:	None present.
For Respondent(s)	:	Ms. Darshita Pungaliya for Mr. Suniel Purohit.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

29/06/2026

1. The present matter pertains to the year 2004 and is listed in the old hearing category.
2. No one appeared on behalf of the petitioner to assist the Court.
3. The instant writ petition under Article 226 of the Constitution of India has been preferred claiming the following reliefs:

"It is therefore, respectfully prayed:-

(i) That this petition for a writ, order or direction may kindly be allowed:

(ii) That by an appropriate writ, order or direction, order dt.29.9.2003 (Annex.1) passed by respondent no.2 may kindly be quashed and set aside.

(iii) That any other appropriate writ, order or direction which this Hon'ble Court deems fit and proper in the facts and circumstances of the case may kindly be passed.

(iv) *That costs may be awarded in favour of the petitioner."*

4. As per the averments made in the writ petition, a claim petition was instituted before the learned Motor Accident Claims Tribunal, Balotra by the legal representatives of one Sajjan Raj seeking compensation arising out of a motor accident involving Bus No. RJ-19 P-6817, which was being driven by the petitioner on the Patan-Jodhpur route on 28.08.2001. The learned Tribunal allowed the claim petition and awarded a sum of Rs.1,34,000/- as compensation.

4.1. It has further been pleaded that the respondent-Corporation deposited the awarded amount in compliance with the award dated 08.07.2003 and thereafter initiated departmental proceedings against the petitioner on the allegation that the accident in question occurred due to his negligent driving, resulting in the death of a pedestrian and consequential financial loss to the Corporation.

4.2. According to the writ petition, the Enquiry Officer found the petitioner guilty of the charges levelled against him, whereafter respondent No.2 passed the order dated 29.09.2003 directing recovery of the amount of Rs.1,34,000/- from the petitioner, to be effected by deducting Rs.1,000/- per month from his salary. The said order is the subject matter of challenge in the present writ petition.

5. Learned counsel appearing on behalf of the respondents submits that the impugned order has been passed consequent upon the negligence attributable to the petitioner having been established in the departmental enquiry initiated after the award passed by the learned Motor Accident Claims Tribunal, Balotra. It

is submitted that the petitioner, while discharging his duties as a driver of Bus No. RJ-19 P-6817 on the Patan-Jodhpur route on 28.08.2001, caused the accident in question, which resulted in financial loss to the respondent-Corporation.

5.1. Learned counsel further submits that the power to effect recovery of the pecuniary loss suffered by the employer is traceable to Rule 36 of the Rajasthan State Road Transport Workers & Workshop Employees Standing Orders, 1965, which reads as under:

"36. One or more of the following penalties may for good and sufficient reasons, be imposed on a worker by a competent authority, penalties from (i) to (viii) shall be appealable -

(i) Censure: Three censures in a period of one year will involve withholding of one increment.

**(ii)(a) Withholding of increment without cumulative effect.*

(b) Withholding of increment with cumulative effect or promotion.

(iii) Recovery from pay/wages of the whole or part of any pecuniary loss caused to the employer by negligence or breach of any law.

(iv) Fine upto 2% of worker's wages.

(v) Forfeiture of wages during the period of suspension.

(vi) Reduction to a lower post or grade.

(vii) Termination of service, which shall not be a disqualification for future employment.

(viii) Dismissal from service which shall be disqualification for future employment."

5.2. Learned counsel submits that Rule 36(iii) specifically authorizes recovery from the wages of a worker to the extent of the pecuniary loss occasioned to the employer on account of negligence or breach of law and, therefore, the impugned order does not suffer from any legal infirmity.

6. This Court has considered the pleadings available on record and the submissions advanced on behalf of the respondents. The record indicates that subsequent to the award rendered by the

learned MACT, Balotra, departmental proceedings were initiated against the petitioner and, upon conclusion thereof, the petitioner was held guilty of negligence in relation to the accident in question.

6.1. This Court notes that Rule 36(iii) of the Rajasthan State Road Transport Workers & Workshop Employees Standing Orders, 1965 expressly empowers the competent authority to recover from the pay or wages of a worker the whole or part of the pecuniary loss caused to the employer by reason of negligence or breach of law. The impugned order directing recovery of the amount in question is, thus, founded upon a power recognized under the governing Standing Orders.

6.2. This Court, thus, does not find any material on record demonstrating violation of the applicable rules, breach of the principles of natural justice, or any manifest perversity warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India.

7. This matter is listed as a Very Old Hearing Matter. Yet, the petitioner has rendered no assistance to the Court. Such conduct is deprecated, and the Court expresses its displeasure.

8. Consequently, no case for interference is made out. The instant writ petition is, accordingly, dismissed.

(DR.PUSHPENDRA SINGH BHATI),J