

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

S.B. Civil Writ Petition No. 931/2017

1. Guman Singh S/o Shri Jalam Singh, R/o Village And Post Office-Mallar, Tehsil-Pipar City, District-Jodhpur.
2. Duda Ram S/o Shri Bhura Ram, R/o Village And Post Office-Hiradesar, Tehsil-Pipar City, District-Jodhpur.

-----Petitioners

Versus

1. State Of Rajasthan Through Secretary Panchayati Raj And Rural Development Department, Secretariat, Jaipur
2. District Programme Coordinator Mnrega Cum District Collector, Jodhpur
3. Lok Pal, Mahatma Gandhi Nrega, Jodhpur
4. Ram Lal S/o Shri Baksa Ram, R/o Sopara, Gram Panchayat Hiradesar, Panchayat Samiti, Bhopalgarh, Jodhpur
5. Block Development Officer-Executive Officer Mnrega, Panchayat Samiti Bhopalgarh, Jodhpur

-----Respondents

For Petitioner(s)	:	Mr. Anil Choudhary for Mr. C.S. Kotwani
For Respondent(s)	:	Mr. Vinay Chhipa Mr. A.R. Godara

HON'BLE MS. JUSTICE REKHA BORANA

Order

07/01/2026

S.B. Civil Misc. Second Stay Application No. 11784/2024:

1. The matter comes upon second stay application filed on behalf of petitioner no.1 – Guman Singh with the submission that the respondent Department has now proceeded on to serve a notice for recovery of an amount of Rs.3,42,890/- with interest, on him.

2. Counsel for the petitioner submits that although on the recommendation of learned Lokpal, disciplinary proceedings were initiated against the petitioners in terms of Rule 17 of the Rajasthan Civil Services (Classification, Control and Appeals) Rules, 1958 and even a charge-sheet was served, but then the said proceedings were never finalized. Without any decision being taken by the Disciplinary Authority, straightway notice for recovery has been served on him.

3. *Per contra* Counsel for the respondent State submits that the petitioner did not turn up despite several notices been served by the Disciplinary Authority and it is only because of the non-appearance of the petitioner that the disciplinary proceedings could not be completed. Counsel submits that only on the said pretext, petitioner cannot be exonerated from his liability to pay the amount in terms of the Award of learned Lokpal.

4. Heard the counsels on stay applications.

5. It is an admitted fact that although there was no interim order operating in the present writ petition, the disciplinary proceedings remain pending till date. The non-appearance of the petitioner could have in no way restrained the Disciplinary Authority to proceed further and to complete the proceedings. But then, when once the disciplinary proceedings have been initiated against the petitioner, no recovery definitely can be made from him without any decision being taken by the Disciplinary Authority. The same definitely can be done only after a decision to the said effect, in terms of law, being passed against him.

6. In view of the above, no recovery in pursuance to notice dated 07.03.2024 (Annexure-A/1) shall be made from petitioner

No.1 till the disposal of the present writ petition or finalization of the disciplinary proceedings pending against him, whichever is earlier.

7. Second Stay Application as well as First Stay Application stand **disposed of**.

8. At this stage, counsel for the petitioners submits that petitioner No.2 – Duda Ram has expired. He prays for and is granted three weeks' time to take appropriate steps.

9. List on 28.01.2026.

(REKHA BORANA),J