

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

S.B. Civil Writ Petition No. 8062/2018

Chief Manager, Rajasthan State Road Transport Corporation Ltd.
Banswara Depot, Banswara

-----Petitioner

Versus

1. Sh. Jagdishchandra S/o Ramchandra Nai Through
President Shri Ram Singh Chouhan, R.r. P. Nigam, Nigam
Sanyukt Karmchari Federation Rsrtc Banswara Depot,
Banswara
2. Industrial Tribunal Cum Labour Court, Udaipur

-----Respondents

For Petitioner(s)	:	Mr. Harish Kumar Purohit with Mr. Shashank Sharma
For Respondent(s)	:	Mr. Ayush Gehlot for Mr. Rajesh Panwar

JUSTICE DINESH MEHTA

Order

04/08/2023

I.A. Nos. 01/2020 & 01/2022:

1. The application No.01/2020 has been filed by the respondent - employee seeking vacation of the interim order dated 08.07.2019, whereas, the application No. 01/2022 has been preferred by the petitioner - Rajasthan State Road Transport Corporation (hereinafter referred to as 'the Corporation'), *inter-alia*, seeking extension of the interim order.
2. Both these applications are considered today and are being disposed of by this common order.
3. By the impugned award dated 31.03.2017, the learned Labour Court has reduced four punishments from stoppage of

three grade increment with cumulative effect (Vide Order No. 1536 dated 13.05.2008 – three annual grade increment, vide order No. 1566 dated 29.05.2008 – one annual grade increment and vide order No.259 dated 28.06.2011 – two annual grade increment with cumulative effect) to stoppage without cumulative effect and set aside the Order No. 372 dated 26.08.2011, whereby four annual grade increments were stopped by cumulative effect.

4. While granting interim order, this Court had prima-facie observed that the labour court has not assigned any reason for doing so.

5. Mr. Ayush Gehlot, learned counsel or the respondent – employee invited Court's attention towards the impugned award and highlighted that the reason which prevailed in the mind of learned Judge for reduction of penalty was, that the disciplinary proceedings were initiated by the Corporation after a delay of 14 to 16 years and that too for similar breach of remaining absent from duties four different charge-sheets were issued for purported absence.

6. Heard learned counsel for the parties and upon perusal of the award impugned, this Court is of the view that though the award impugned is not cohesive, in the sense that the reasons have not come out clearly, but the intention behind the reduction of punishment is apparent, if the award under consideration is read in its entirety.

7. Be that as it may.

8. The interim order dated 08.07.2019 passed by this Court is vacated.

9. Application No. 01/2020 stands allowed.

10. Application No. 01/2022 filed by the petitioner – Corporation is rejected as a consequence of the acceptance of application filed by the respondent – employee.

11. Stay application is, therefore, dismissed.

12. Needless to observe that the rights of rival parties shall be decided in accordance with law at the time of final adjudication to be made by this Court.

(DINESH MEHTA),J

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