

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

S.B. Civil Writ Petition No. 20156/2025

Shakuntala Pathak W/o Late Shri Manoj Pathak, D/o Shri Krishna Lal Joshi, aged about 50 Years, resident of Surwaniya Via Barodiya, District Banswara, Rajasthan. -----Petitioner

Versus

1. State of Rajasthan, through Secretary, Department of Rural Development and Panchayati Raj, Government of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Vikas Adhikari, Panchayat Samiti Gadhi, District Banswara.
3. The Chief Executive Officer, Zila Parishad, Banswara.

-----Respondents

For Petitioner(s) : Mr. Lokesh Mathur

For Respondent(s) : Mr. Kuldeep Vaishnav, DGC

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

16/10/2025

Heard on the interim application.

Learned counsel appearing for the petitioner submits that the petitioner was selected and appointed to the post of LDC after verifying the eligibility criteria prescribed under the advertisement and the petitioner's appointment was confirmed and is in the regular cadre from last 12 years. He further submits that respondent No. 3 had issued the impugned charge-sheet contemplating disciplinary proceeding for production of computer qualification certificate which is not meeting the criteria as advertised in the advertisement. He also submits that after such a long delay, such a proceeding cannot be resorted. He further argued that the Chief Executive Officer (CEO) of Zila Parishad has no authority to issue the impugned charge-sheet and at the most, the District Establishment Committee is authorize to issue charge-sheet being the Disciplinary Authority which can impose the major

penalty. The appointing authority of the petitioner was the Panchayat Samiti and the Zila Parishad is unconcerned. Therefore, the entire exercise undertaken at the instance of CEO is without jurisdiction.

On reading of Section 91 of the Panchayat Raj Act, 19984 the persons other than IV Class service, the minor penalty can be imposed by Vikas Adhikari or Panchayat Samiti, if employees belong to Panchayat Samiti. For taking any other major punishment, the District Establishment Committee is the competent authority; the CEO is only one member in the said Committee apart from Zila Pramukh, District Elementary Education Officer and any officer nominate by competent authority.

In the said background, there shall be stay on further proceedings in consequence of charge-sheet.

Admit.

Issue notice to the respondents, returnable within a period of four weeks.

Shri Kuldeep Vaishnav, learned DGC appears and accepts notice on behalf of the respondents. Hence, service is treated as complete.

Learned counsel for the petitioner shall be at liberty to seek vacation of the interim order.

Reply, if any, be filed by the next date of hearing.

List the matter on 01.12.2025 while reflecting the name of Shri Kuldeep Vaishnav, DGC as counsel for respondents in the cause list.

(MUNNURI LAXMAN),J