

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7902/2003

Kalyan Prasad son of Shri Ram Narayan Ji, aged about 37 years,
at present conductor, Rajasthan State Road, Transport
Corporation, Churu Depot, resident of Village Post Joonia, Tehsil,
Kekari, District Ajmer (Rajasthan).

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, through its
Managing Director, Head Office, Parivahan Marg, C-Scheme,
Chomu House, Jaipur (Rajasthan).
2. The Executive Director (Traffic), Rajasthan State Road
Transport Corporation, Head Office, Parivahan Marg, C-Scheme,
Chomu House, Jaipur (Rajasthan).

----Respondents

For Petitioner(s)	: Mr. Babu Lal Gupta, Adv. Mr. Ankul Gupta, Adv.
For Respondent(s)	: Mr. Mukesh Kumar Varma, Adv.

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

Reportable

25/02/2026

1. Through this writ petition, the petitioner challenges the office
order dated 24.11.2003 (Annexure-3), which directs the
respondents to commence a *de novo* inquiry concerning the earlier
charges that led to his dismissal on 26.03.1987.
2. The petitioner's counsel argues that the order of dismissal
was contested before the Additional Munsif and the Judicial
Magistrate No. 2, Jaipur City, where the court's decree mandated
the respondents to reinstate him (Annexure-1).

3. Subsequently, an appeal against this decision was dismissed on 16.05.1996 (Annexure-2). Importantly, there was no court order in the civil suit instructing the respondents to reopen the inquiry.

4. The counsel also contends that, since the charges date back to 1987, initiating a new inquiry after an 11-year gap is unwarranted in law, and that the order for a *de novo* inquiry should therefore be quashed. The petitioner asks that the order dated 24.11.2003 be set aside.

5. The respondents' counsel counters that although the civil suit was decided in favour of the petitioner on 14.03.1991, this does not bar them from initiating an inquiry, as the court primarily set aside the termination order on procedural grounds, not on the merits.

6. He argues that the order for a *denovo* enquiry was rightly directed and prayed that the petition be dismissed.

7. After hearing both sides and reviewing the record, it is clear that the petitioner was dismissed on 26.03.1987. His suit was allowed by the court on 14.03.1991, and the appeal against that order was dismissed on 16.05.1996, with the appellate court's decision final and unchallenged.

8. Crucially, there was no order permitting the respondents to reopen or initiate a new inquiry. The record also reveals that the order to start a *de novo* inquiry was issued after 11 years, concerning the same charges that led to his dismissal.

9. In **Ghan Shyam Sharma v. Rajasthan State Road Transport Corporation, RLW 2009 (2) Raj 1078**, it was held that an unexplained delay of over six years in restarting

departmental proceedings after reinstatement is unlawful. The Courts found that the respondents failed to justify the delay or show it was attributable to the petitioner.

10. Given that the appellate Court's decision has become final and no order has been issued authorising a fresh inquiry, the petition must succeed.

11. Consequently, the order to initiate a *de novo* inquiry against the petitioner is hereby set aside. All pending applications, if any, are also disposed of and there will be no order as to costs.

(PRAVEER BHATNAGAR),J