

IGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 763/2026

Rupendra Kumar Jain S/o Lt. Shri Nand Kishore Jain

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Punit Singhvi, Adv. with
Mr. Aayush Singh

For Respondent(s) :

HON'BLE MR. JUSTICE SAMEER JAIN

Order

22/01/2026

Learned counsel for petitioner submits that a charge sheet has been qua the petitioner issued after a lapse of approximately twenty years, in spite of the fact that petitioner was acquitted in the criminal proceedings in the year 2023. It is submitted that the petitioner was reinstated in his service in the year 2021 vide order dated 27.08.2021, and was retired from the said post in the year 2022.

It is further submitted that *in lieu* of the departmental inquiry, the pensionary benefits *qua* the petitioner, except the amount of leave encashment and PF, are stopped by the respondents, which is arbitrary.

Learned counsel has placed reliance upon the dictum encapsulated by the Hon'ble Supreme Court in **Ramlal Vs. State of Raj, (2024) 1 SCC 175** and has submitted that departmental inquiry cannot be initiated *qua* the petitioner, after a lapse of twenty years approx., specially when under same set of facts,

acquittal is granted to the petitioner/person, after detailed consideration of evidences and witnesses. Moreover, in criminal trial, the settled jurisprudence is that the charges levelled should be proved beyond any reasonable doubt, whereas in departmental inquiry, it is on preponderance of probability.

Heard.

Issue notices to the respondents.

Additionally, '*dasti*' service is permitted.

Learned counsel for the petitioner is directed to supply a copy of the instant petition in the office of counsel representing RPSC.

List the matter on 23.03.2026.

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

In the meantime, the effect and operation of the charge sheet dated 05.12.2025 issued by the respondents shall remain stayed.

Additionally, it is made clear that a total sum amounting to fifty percent of the pensionary benefits shall be released by way of a surety bond/ solvent bond to the satisfaction of the parties.

(SAMEER JAIN),J