

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8726/2023

Umesh Kumar Sharma S/o Late Shri Manohar Lal Sharma

-----Petitioner

Versus

Rajasthan Rajya Vidyut Prasaran Nigam Limited

-----Respondent

For Petitioner(s) : Ms. Sara Parveen for
Mr. Tanveer Ahamad

For Respondent(s) : Mr. Rahul Lodha

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

04/09/2023

1. Matter has come up on an application (1/2023) filed by respondents under Article 226 (3) of the Constitution of India for vacation of ex-parte interim order dated 02.06.2023.
2. Heard.
3. This Court, vide order dated 02.06.2023 stayed the operation of impugned punishment order dated 25.07.2022 and the order of Appellate Authority dated 18.05.2023 whereby and whereunder the petitioner was penalized with stoppage of one annual grade increment without cumulative effect on the ground that petitioner has been punished without giving any notice or opportunity of hearing.
4. Counsel for the respondents-Nigam has pointed out that the memorandum of charge dated 18.06.2018 was served upon the petitioner levelling four charges to which the petitioner filed reply dated 25.05.2022 (Ann.R/5), hence it is incorrect to state that the petitioner has been punished without giving opportunity of

hearing, similarly the Appellate Authority heard the petitioner before passing the order dated 25.07.2022.

5. Having considered the contention of learned counsel for respondents and reply filed by petitioner to the charge-sheet, available on record as Annexure R/5, it appears that the impugned punishment order was passed after giving due opportunity of hearing to petitioner. In the order dated 25.07.2022 passed by the Appellate Authority, there is a reference of giving opportunity of hearing to petitioner. In such circumstances, this Court deems it just and proper to vacate the stay order dated 02.06.2023.

6. Accordingly, the application (1/2023) filed by respondents is allowed and the interim stay order dated 02.06.2023 stands vacated. Stay application is hereby dismissed.

7. List this writ petition for hearing on 10.10.2023.

(SUDESH BANSAL),J