

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10207/2020

URN: CW / 18936U / 2020

Lokesh Agarwal S/o Shri Pawan Kumar Agarwal, Aged About 37 Years, R/o C-6/201, Mahalaxmipuram, Baran Road, Kota, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Department Of Rural Development And Panchayat Raj, Government Secretariat, Jaipur, Rajasthan.
2. The Commissioner, Zila Parishad, Kota, (Mahatma Gandhi Narega), Rajasthan
3. The Additional District Program Coordinator And Chief Executive Officer, Zila Parishad Kota, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Himanshu Jain Mr. Rishi Raj Maheshwari Ms. Apurva Agarwal
For Respondent(s)	:	Mr. Kesar Singh Shekhawat, AGC

HON'BLE MS. JUSTICE REKHA BORANA

Order

15/07/2026

1. The present writ petition has been filed aggrieved of order dated 26.05.2020 (Annexure-2) whereby the petitioner was directed to deposit the recovery amount as mentioned therein. Further, notice dated 27.05.2020 (Annexure-3) has also been assailed whereby the petitioner had been called upon to show cause as to why his contractual services be not terminated. Consequential order dated 06.07.2020 (Annexure-1) is also under challenge whereby the contractual services of the petitioner were

terminated and he was debarred from future contractual employment as Junior Technical Assistant.

2. Counsel for the petitioner submits that the petitioner although being a contractual employee, is governed by the Rajasthan Civil Services (Classification Control and Appeal) Rules, 1958 (hereinafter referred to as 'Rules of 1958'). Still, no charge-sheet was served on the petitioner prior to the punishment of termination been imposed against him.

3. Counsel further submits that a detailed reply to the show cause notice was filed by the petitioner, however, the same was not even considered by the Disciplinary Authority and order impugned dated 06.07.2020 was passed whereby his services were terminated.

4. Counsel lastly submits that the order impugned is a stigmatic order and as is the settled position of law, no such order could have been passed without due process in terms of the Rules of 1958 having been followed.

5. *Per contra* Counsel for the respondents submits that the services of the petitioner were governed by the contract as executed by him and not the Rules of 1958. As per Clause 6 of the contract/agreement, the State Authority is entitled to terminate the contract in case of any misconduct, after an inquiry being undertaken. In the present matter, an inquiry was very well conducted wherein the petitioner was found guilty of misconduct. Hence, his services have rightly been terminated in terms of Clause 6 of the contract/agreement.

6. Heard the Counsels. Perused the Record.

7. A bare perusal of the record reflects that in response to show cause notices dated 23.04.2020 and 27.05.2020, a detailed reply was filed by the petitioner on 08.06.2020 (Annexure-14). However, a perusal of order dated 06.07.2020 (Annexure-1) does not reflect any consideration of the said reply. The said order has been passed only on basis of the Inquiry Report.

8. This Court is of the clear opinion that order impugned dated 06.07.2020 is in total contravention to the settled position of law. If a show cause notice was served on the petitioner and he did reply to the same, the grounds/objections as raised by him, did deserve a consideration by the Authority concerned. Non-consideration of the reply rendered made the show cause notice a mere formality. Once an incumbent is called upon to show cause as why he be not punished and a reply to the same is filed, it is mandatory for the Authority concerned to consider the grounds/defence as raised and only after consideration of the said defence/grounds, to pass an order in accordance with law.

9. In view of the above, order impugned dated 06.07.2020 deserves interference by this Court and is hereby quashed and set aside. Respondent No.3 is hereby directed to pass an order afresh after taking into consideration the detailed reply (dated 08.06.2020) as filed by the petitioner. The said authority shall also be under an obligation to provide an opportunity of personal hearing to the petitioner and to pass a reasoned and speaking order thereupon.

10. The order be passed preferably within a period of four weeks from the date of receipt of certified copy of the present order.

11. With the above directions, the writ petition stand **disposed of**.

12. Stay petition and pending application(s), if any, stand **disposed of**.

(REKHA BORANA),J

23/RAHUL