

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 12412/2019

Jatin Garg S/o Sh. Rajender Kumar, Aged About 24 Years, R/o
Jain Mandir Ki Gali, Ward No. 2, Govindgarh, District Alwar (Raj.)

-----Petitioner

Versus

1. Chairman And Managing Director, Rajasthan State Road Transport Corporation, Chomu House Circle, Parivan Marg, Jaipur.
2. Executive Director (Transport/security And Vigilance), Rajasthan State Road Transport Corporation, Chomu House Circle, Parivan Marg, Jaipur.
3. Chief Manager, Rajasthan State Road Transport Corporation, Alwar Depot, Alwar.

-----Respondents

For Petitioner(s)	:	Mr. Suresh Kashyap
For Respondent(s)	:	Mr. Rajpal Dhankar

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

24/02/2026

1. Instant petition has been filed by the petitioner with the following prayer:-

"It is, therefore, prayed that your lordship be pleased to allow this writ petition that action of the respondent no. 3 in issuing notice dated 16.07.2019 and office order dated 16.07.2019, may kindly be declared illegal, unjustified and against the Principle of Natural Justice and same may be quashed and set aside and respondents be directed not to operate the notice and officer order dated 16.07.2019 and respondents be further directed not to dispense the services of the petitioner."

2. Counsel for the petitioner submits that the issue involved in this petition has already been set at rest by the Co-ordinate Bench of this Hon'ble Court in the case of **Radha Krishan Saini Vs. RSRTC and Ors. : S.B. Civil Writ Petition No. 16483/2012 decided on 27.04.2018**. The Counsel further submits that the view taken in the aforesaid order of **Radha Krishna Saini (supra)** has been followed subsequently by another Co-ordinate Bench of this Hon'ble Court in the case of **Ramdhan Dayama Vs. Rajasthan State Road Transport Corporation and Ors. : S.B. Civil Writ Petition No. 15488/2016 decided on 25.08.2022** and directed the retired employee to deposit the amount of the cost of ticket bag. The Counsel submits that instant petition may also be disposed of in the light of the order passed in the case of **Radha Krishan Saini (supra)**.

3. Per contra, counsel for the respondents-RSRTC opposed the arguments raised by the counsel for the petitioner but he is not in a position to controvert the settled proposition of law as held in the case of **Radha Krishan Saini (supra)**.

4. Heard and considered the submissions made at the bar and perused the material available on the record.

5. Since the controversy involved in this petition has already been considered and decided by a Co-ordinate Bench of this Court in the case of **Radha Krishan Saini (supra)** by observing as under:-

"The petitioner has challenged order dt.31.08.2012 & 28.09.2012, Annex.-8 & 9 respectively, in the instant petition whereby he has been directed to deposit of Rs.66,437/- on

account of loss of ticket bag and ETM machine. Counsel for the petitioner has submitted that the alleged recovery from the petitioner is illegal and this Court in SBCWP No. 12641/2012 [Babu Lal Sharma Vs. RSRTC & Anr.], SBCWP No.10692/2012 [Rajkuar Tak Vs. Raj. State Road Transport Corp. & Anr.] & SBCWP No.13500/2012 [Om Prakash Yadav Vs. Raj. State Road Transport Corp. & Anr.] decided by a common order dt.12.09.2013 has taken a view that if there is no allegation against a person of deliberate act or there is nothing on record to show that the tickets lost in theft or otherwise, were misused causing financial loss to the corporation and as such in absence of these facts, no action can be taken by the respondents-RSRTC. Counsel for the petitioner has submitted that in the instant case the petitioner had also lodged FIR No.452/2012 immediately on loss of ticket bags and ETM machine vide (Annex.-1) dt.26.07.2012. Mr. Vinayak Joshi, counsel for the respondents who is present in the Court submits that legal proposition is already settled by this Court and as such he submits that this Court may decide the present controversy as well. This Court finds that the impugned orders dt.31.08.2012 & 28.09.2018 (Annex.- 8 & 9) respectively are not legally sustainable. This Court is further of the opinion that the respondents in the impugned orders dt.31.08.2012 & 28.09.2012 have nowhere said that loss of ticket bag and ETM machine, has resulted into causing financial loss to the Corporation. The present writ petition deserves to be allowed and impugned orders dt.28.09.2012 & 31.08.2012 (Annex.-8 & 9)

respectively are quashed and set aside. However, the respondents are free to recover the actual cost of ticket bag and ETM machine from the petitioner after giving him show cause notice. The present writ petition is accordingly disposed of."

6. In view of the above factual matrix of the matter, instant writ petition stands disposed in the light of order passed in case of **Radha Krishan Saini (supra)**. The impugned order dated 16.07.2017 passed by the Managing Director, Rajasthan State Road Transport Corporation, Alwar is quashed and set aside.

7. However, the respondents would be at liberty to recover the amount of ticket bag from the petitioner. The respondents are further directed to pass the order in this regard within a period of three months from the date of a receipt of copy of this order.

8. The writ petition, stay application and all application(s) (pending, if any) also stands disposed of.

(ASHOK KUMAR JAIN),J