

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16908/2024

Vasudev Singh S/o Shri Sampat Singh

-----Petitioner

Versus

State Of Rajasthan and Ors.

-----Respondents

For Petitioner(s) : Mr. Anupam Agarwal

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

07/11/2024

1. It has been submitted that the petitioner was given regular appointment as IV Class employee in the Municipality as Safai Karamchari vide order dated 03.01.2004 and thereafter vide order dated 26.07.2023 passed by the Commissioner, Municipal Board, Bharatpur, his services has been terminated without issuing any charge-sheet and without following recourse of law, merely on the ground that petitioner submitted a false affidavit at the time of his appointment disclosing incorrect number of children as four instead of five.

2. Counsel for the petitioner submits that as per Rule 15(3) of the Rajasthan Municipalities (Class IV Service) Rules, 1964, the Commissioner has no jurisdiction to impose major penalties like removal or dismissal of employee from services, hence, the order impugned suffers from jurisdictional error, as much as, has been passed without following due course of law.

3. Heard.

4. Issue notice to respondents of writ petition as also of stay application.

5. In the meanwhile, as an interim relief, while staying the operation of impugned order dated 26.07.2023, it is hereby directed that petitioner be reinstated in service forthwith, though, for the emoluments during the period from termination to his reinstatement may be withheld.

(SUDESH BANSAL),J

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