HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

JASTHAN HIGH COL

S.B. Civil Writ Petition No. 27949/2018

Satya Narain Yadav Son Of Shri Jagmal Singh Yadav, Aged About 44 Years, Resident Of Plot No. 5, Pawanpuri C, Charan Nadi, Murlipura, Jaipur.

----Petitioner

Versus

- State Of Rajasthan, Through Its Additional Chief Secretary, Home Department, Government Of Rajasthan, Government Secretariat, Jaipur
- 2. Police Commissioner, Police Commissionerate, Jaipur.
- 3. Deputy Commissioner, Headquarters, Police Commissionerate, Jaipur

----Respondents

For Petitioner(s) : Mr. Ashok Bansal assisted by

Mr. Aayush Bansal Mr. Akshay Yadav

For Respondent(s) : Mr. Saumitra Chaturvedi, DGC

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL <u>Judgment / Order</u>

19/08/2025

On last date, i.e., 14.08.2025, this Court passed the following order:-

"Under challenge is the order dated 25.03.2017 passed by the disciplinary authority- the Deputy Commissioner of Police (Headquarter) whereby, invoking the provisions of Rule 19(ii) of Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, services of the petitioner- the Constable Driver, have been terminated as also the

appellate order dated 18.10.2018 passed by the Police Commissioner dismissing the appeal.

The gravamen of the allegations of the learned counsel for the petitioner is that the disciplinary authority has, without recording the reasons for arriving at satisfaction that the inquiry under Rules of 1958 was not reasonably practicable, the order impugned has been passed.

Per contra, learned counsel for the respondents submits that while there is settled legal principle that if a Constable is found drunk on duty, it is gravest form of misconduct entailing termination of his services without following either the procedure prescribed under the disciplinary rules or the principles of natural justice. He prays for and is granted time to cite the precedential law in this respect.

List the matter on 19.08.2025 at top of the list as prayed."

Today, after making submissions for some time, learned counsel for the respondents could not dispute that the order impugned dated 25.03.2017 does not satisfy the requirement laid down under Rule 19 (ii) of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for brevity "the Rules of 1958") which mandates the disciplinary authority to record the reasons in writing to arrive at the satisfaction that it is not reasonably practicable to follow the procedure prescribed in the Rules 16, 17 and 18 of the Rules of 1958. He also does not dispute that the aforesaid requirement is mandatory in nature as also held by a Constitution Bench in the case of **Union of India &**

[2025:RJ-JP:32357] [CW-27949/2018]

Anr. versus Tulsiram Patel and other connected matters: AIR 1985 Supreme Court 1416 as under:-

"133. The second condition necessary for the valid application of clause (b) of the second proviso is that the disciplinary authority should record in writing its reason for its satisfaction that it was not reasonably practicable to hold the inquiry contemplated by Article 311(2). This is a Constitutional obligation and if such reason is not recorded in writing, the order dispensing with the inquiry and the order of penalty following thereupon would both be void and unconstitutional."

In view of the aforesaid undisputed factual and legal position, nothing much survives for consideration of this Court in this writ petition which deserves to be allowed.

Accordingly, the writ petition is allowed. The order impugned dated 25.03.2017 is quashed and set aside. The petitioner is held entitled for reinstatement in service with notional benefits only as agreed by his learned counsel.

However, the respondents would be at liberty to proceed against the petitioner afresh in accordance with law, if so desired.

Pending application(s), if any, also stands disposed of.

(MAHENDAR KUMAR GOYAL),J