

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.5754/2009

Jogesh Yadav

Versus

Managing Director, R.S.R.T.C. and another

DATE OF ORDER --- December 24, 2010

PRESENT

HON'BLE MR.JUSTICE PREM SHANKER ASOPA

Mr. K.C.Sharma, for the petitioner

Ms. Usha Gupta, for the respondents

BY THE COURT

- (1) Heard learned counsel for the parties.
- (2) With the consent of counsel for both the parties, this writ petition is being decided finally at the admission stage.
- (3) By this writ petition, the petitioner has challenged the termination order dated 16.6.2008 (Ex.3).
- (4) The facts, in brief, of the case are that on 16.5.2005, the petitioner was appointed as Driver-cum-Conductor on fixed remuneration by the Rajasthan State Road Transport Corporation (in short 'the Corporation') and the term of his employment was extended from time to time. On 24.4.2008, while driving the bus, an accident took place, and on this ground, the services of the petitioner were terminated vide order dated 16.6.2008 (Ex.3).
- (5) After service of notices, Ms.Usha Gupta, Advocate has put in appearance on behalf of the respondents.
- (6) Counsel for the petitioner has placed reliance on the Division Bench judgment of this Court in an identical matter – Ramraj Gurjar V. R.S.R.T.C. (2008 WLC (Raj.)UC 485), by which the appeal of the Driver-appellant has been allowed.

(7) Counsel for the respondents has not disputed the aforesaid legal position.

(8) I have gone through record of the writ petition and further considered the aforesaid submission of counsel for the parties.

(9) Before proceeding further, it is relevant to reproduce operative part of the aforesaid judgment of the Division Bench in Ramraj Gurjar. The same is as under:

“7. We, accordingly, dispose of this appeal by the following order:

- (i) The order dated 17th February 2007 passed by the Chief Manager, Rajasthan State Road Transport Corporation is quashed and set aside. The service of the petitioner is restored in the same manner as was obtaining on the date of termination i.e. 17th February, 2007.
- (ii) The petitioner shall be reinstated by the respondents immediately and in no case later than 15 days from the date of production of the order of this court. He will, however, not be entitled to any back wages.
- (iii) The aforesaid direction shall not, however prevent the respondents in now holding a disciplinary enquiry against the petitioner, if they desire to do so and in that event the disciplinary enquiry shall not be influenced by the present order.”

(10) In my view, case of the petitioner is covered by the aforesaid judgment of the Division Bench of this Court in Ramraj Gurjar.

(11) The writ petition is, therefore, disposed of in terms of the aforesaid judgment of the Division Bench of this Court in Ramraj Gurjar, as under:

- (i) The order dated 16.6.2008 (Ex.3). passed by the Chief Manager, Rajasthan State Road Transport Corporation, Ajaymeru Depot, Ajmer is quashed and set aside. The service of the petitioner is restored in the same manner as was obtaining on the date of termination i.e. 16.6.2008.
- (ii) The petitioner shall be reinstated by the respondents immediately and in no case later than 15 days from the date of production of the order of this court. He will, however, not be entitled to any back wages.
- (iii) The aforesaid direction shall not, however prevent the respondents in

now holding a disciplinary enquiry against the petitioner, if they desire to do so and in that event the disciplinary enquiry shall not be influenced by the present order.”

(Prem Shanker Asopa) J.

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