



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



S.B. Civil Writ Petition No. 2738/2002

Dr. K C Chaudhary, aged about 50 years, son of Shri Durga Lalji Chaudhary, resident of Chaudhary Gate, M.S.B. Ka Rasta, Johari Bazar, Jaipur

----Petitioner

Versus

1.State of Rajasthan through the Principal Secretary, Medical & Health Department, Government Secretariat, Jaipur
2.Secretary, Department of Personnel, Government of Rajasthan, Government Secretariat, Jaipur
3.Director Medical & Health Services, Government of Rajasthan, Jaipur

----Respondent

For Petitioner(s) : Mr. Mahesh Gupta with
Mr. S.S. Sharma
For Respondent(s) : Mr. Archit Bohra, AGC

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

10/07/2024

Although, this civil writ petition has been filed seeking quashing of the charge-sheet dated 17.01.1998, the concurrence letter dated 04.03.2002 (Annexure-10) issued by the Rajasthan Public Service Commission, Ajmer (for brevity "the RPSC"), the order of punishment dated 30.03.2002 and the consequential relieving order dated 16.04.2002 with a further direction to the respondents to allow him to continue on the post of Junior Specialist (Anesthesia); however, during the course of oral submissions, learned counsel for the petitioner confines his prayer to the extent of modification in the nature of punishment.

The relevant facts in brief are that the petitioner was served upon with a charge-sheet under Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958



(hereinafter referred to as "the Rules of 1958") vide Memorandum dated 17.01.1998 wherein, it was alleged that while posted as Medical Officer, Community Health Centre, Todaraisingh (Tonk), he furnished wrong facts in the injury report prepared upon medical examination of Shri Babu Lal and committed dereliction in discharge of his duty. After holding the enquiry in accordance with procedure prescribed under Rule 16 of the Rules of 1958, he was found guilty by the Inquiry Officer and the disciplinary authority, agreeing with the findings of the Inquiry Officer, punished him vide order dated 30.03.2002 with the punishment of compulsory retirement with proportionate pension.

Assailing the quantum of punishment, learned counsel for the petitioner submits that he measured the dimension of injuries received by injured-Babu Lal through naked eye which might have resulted into some variation. He submits that before passing the order impugned of punishment, he had rendered the services of 23 years and in view of nature of allegation found to be proved against him, the punishment of compulsory retirement with proportionate pension is highly disproportionate. He, therefore, prays that the writ petition be allowed to the extent of modification of the punishment order by substituting it with lighter punishment.

Per contra, opposing the prayer, learned State Counsel would submit that the punishment awarded to the petitioner is on lighter side taking a lenient view of the matter which does not warrant any interference by this Court under its writ jurisdiction. He, therefore, prays for dismissal of the writ petition.

Heard. Considered.



A perusal of the material on record reveals a great variance in the injury report (Exhibit P-1) prepared by the petitioner with the medical report (Exhibit P-2) prepared by the Medical Board. While, the petitioner has found the injury No.1, a sharp edged injury on shoulder of the injured to be 3 centimeter in length, the Medical Board found the same to be four and a half inch, i.e., 11.25 centimeter in length. Similarly, while, the petitioner found the injury No.2, another sharp edged injury on head of the injured of 2 centimeter, the Medical Board found it to be 1.25 inch, i.e., 3.75 centimeter in length.

In view of the aforesaid findings, it is apparent that the petitioner has submitted false report and committed dereliction in discharge of his duty. None can undermine the importance of true and correct medico-legal report in the injury cases which has great role in just and fair disposal of the cases. Such a conduct by the Medical Officer is highly despicable as it causes interference with the administration of justice.

In view thereof, this Court does not find the punishment awarded to the petitioner by the disciplinary authority based on concurrence of the RPSC to be shockingly disproportionate to the conscience so as to warrant interference of this Court under its limited writ jurisdiction.

Resultantly, this civil writ petition is dismissed being devoid of merit. Pending application(s), if any, also stands disposed of.

(MAHENDAR KUMAR GOYAL),J

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