



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 17863/2022

Prithvi Raj S/o Shri Heera Lal, Aged About 61 Years, Resident of  
Chak 1-TK, Tehsil Raisingh Nagar, District Sri Ganganagar  
(Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department Of Home, Govt. Of Rajasthan, Secretariat, Jaipur.
2. The Director General, Anti Corruption Bureau (ACB), Rajasthan, Jaipur.
3. Deputy Director General, Anti Corruption Bureau (ACB), Rajasthan, Jaipur.
4. The Superintendent Of Police, Anti Corruption Bureau, Rajasthan, Jaipur.
5. The Superintendent Of Police (Admn.), Anti Corruption Bureau, Rajasthan, Jaipur.
6. The Addl. Superintendent Of Police, Anti Corruption Bureau, Sri Ganganagar.

-----Respondents

For Petitioner(s) : Mr. Vikas Bijarnia with  
Mr. Sunil Fageria.

For Respondent(s) : Mr. B.L. Bhati, AAG assisted by  
Mr. Sandeep Soni.

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**Order**

**10/10/2024**

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the order dated 17.03.2020 (Annex.9) passed by the Superintendent of Police (Admn.), Anti Corruption Bureau, Rajasthan, Jaipur, whereby, the penalty of removal from service was imposed upon the petitioner and recovery of salary and allowances which were paid to him after the actual date of superannuation.



3. Briefly noted the facts in the present writ petition are that the petitioner was appointed as Constable in the respondent department on 22.10.1982. While the petitioner was working in the respondent department, he was served with a charge-sheet on 11.09.2013 (Annex.5). In pursuance of the charge-sheet, a Departmental Inquiry was conducted under the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958. After completion of the Inquiry, vide order dated 17.03.2020, the disciplinary authority imposed a punishment of removal from service and recovery of salary and other allowances from the petitioner after the date of his actual superannuation to be deposited in the State treasury. An appeal was preferred by the petitioner and the same was also dismissed vide order dated 15.09.2022. Hence, the present writ petition has been filed.

4. Learned counsel for the petitioner has confined the argument of attacking the orders dated 17.03.2020 and 15.09.2022 on the ground that the punishment awarded to the petitioner is disproportionate to the misconduct committed by him. Learned counsel for the petitioner submits that the petitioner was working in the respondent department on the post of Constable which is the lowest post in the department and in the entire service career, he has not been served with any punishment and his service record has been unblemished. He, therefore, prays that while maintaining the order of punishment, the punishment is prayed to be reasonably reduced considering the misconduct committed by the petitioner and taking into account the unblemished service record of the petitioner.



5. To buttress his contentions, learned counsel for the petitioner relied upon the following judgments rendered by this Court:-

**1. Onkar Lal Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.9714/2016)**

**2. Hari Singh Bhuria Vs. State of Rajasthan (S.B. Civil Writ Petition No.2231/2000)**

**3. State of Rajasthan Vs. Hari Singh Bhuria (D.B. Special Appeal Writ No.1657/2019)**

**4. Gopal Prasad Thakur Vs. The State of Jharkhand & Ors. (W.P. (S) No.4919/2005).**

6. Per contra, Mr. Bhati, learned Additional Advocate General is unable to counter the submissions made by learned counsel for the petitioner and he submits that the respondents have taken into consideration the misconduct committed by the petitioner and has reasonably awarded the punishment commensurate with his misconduct and the same does not warrants any interference.

7. I have considered the submissions made at bar and gone through the relevant record of the case including the impugned orders dated 17.03.2020 and 15.09.2022.

8. The undisputed facts in the present writ petition are that the petitioner was appointed on the post of Constable in the respondent department in the year 1982 and since then, he has been serving the department for almost 38 years. The entire career of 38 years of the petitioner has remained unblemished and he has never faced any inquiry for any misconduct committed by him in discharge of his duties.

9. Considering the fact that the petitioner has served the department with utmost zeal and his service career remained unblemished, therefore, this Court is of the view that the



punishment awarded to the petitioner in the present case is disproportionate, more particularly, when the charge against the petitioner is that while entering into the services of the respondent department, he has submitted a forged marksheet issued by Madhyamik Shiksha Board, Bhopal.

10. In the opinion of this Court, the punishment awarded to the petitioner needs to be interfered with as the same is excessive. The punishment awarded is not commensurate with the misconduct committed by the petitioner and, therefore, while maintaining the order of punishment dated 17.03.2020, the order of removal from service imposed by the respondents is quashed and set aside and the rest of the order, whereby, the petitioner was directed to deposit the entire amount of salary and allowances after the actual date of superannuation in the Government treasury is maintained. Accordingly, the appellate order dated 15.09.2022 also stands modified to that extent.

11. It is further ordered that the petitioner will be entitled for all other service benefits taking into consideration his date of superannuation i.e. 30.04.2018. The amount as ordered to be deposited vide order dated 17.03.2020 shall be adjusted while paying the other service benefits to the petitioner.

12. The respondents shall do the needful within a period of three months from the date of receipt of certified copy of this order.

13. The writ petition is disposed of in the above terms.

**(VINIT KUMAR MATHUR),J**

19-Shahenshah/-