HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 9418/2023

Prakash Thori S/o Shri Bhanwar Lal Bishnoi, Aged About 29 Years, Village Raneri, Tehsil Baap, District Jodhpur
Presently Lodged at Central Jail Jaipur (Raj.).

----Petitioner

Versus

1. State of Rajasthan, through Director General Of Police Headquarter, Jaipur, Rajasthan.
2. The Commandant, 13th Battalion, RAC (Jail Security), Chainpura, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Devendra Bishnoi
For Respondent(s)	:	Mr. Shailendra Kumar Mr. Raj Singh Bhati for Mr. Ritu Raj Singh Bhati

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JUSTICE DINESH MEHTA

Order

24/01/2025

1. Learned counsel for the petitioner submitted that the issue involved in the present writ petition is squarely covered by the judgment dated 13.09.2021, passed by this Court in case of **Bhagirath Ram Vs. State of Rajasthan & Ors. : S.B. Civil Writ Petition No.2682/2021**.

2. Learned counsel appearing for the respondents is not in a position to dispute the aforesaid position of facts and law, in spite of his emphatic arguments.

3. In case of **Bhagirath Ram (supra)**, while deciding identical controversy in para No.27, the following timeline was fixed:

"27(i) The disciplinary proceedings shall remain stayed for a period of three years from today.

(ii) Petitioner will be required to file his statement in defence/reply along with the list of witnesses (if any) within a period of 30 days from today. Such period is extendable by not more than 30 days for reasons to be recorded by the disciplinary authority, if facts and circumstances so warrant.

(iii) After completion of three years, the disciplinary authority shall resume the proceedings by giving at least a 15 days' notice to the delinquent/employee of his intentions so to do and to inform about the status of criminal case.

(iv) It will be required of the petitioner - employee to place relevant material, including copies of the order- sheets/ proceedings of the Court, stage of the trial, list of witnesses and number of witnesses examined by that time and any other relevant information.

(v) The petitioner will be free to make a request to adjourn the proceedings further, while indicating reasons and grounds for the same.

(vi) The disciplinary authority in such event, shall independently apply his mind on the material placed and progression of the criminal case and decide as to whether the enquiry is required to be stayed any further.

(vii) In case, the disciplinary authority is of the view that the enquiry is required to be kept on hold any further, he will keep the same in abeyance for a further period, not more than two years.

(viii) On completion of such period (total five years), the disciplinary authority shall take up

the proceedings by appointing an inquiry officer under intimation to the petitioner, who shall, then, proceed in accordance with law, while following procedure provided under Rule 16 of the CCA Rules of 1958.

(ix) Needless to observe that if criminal case itself is decided either way, during the aforesaid period of three/five years, the disciplinary authority shall be free to resume the inquiry, of course while observing principles of natural justice.

(x) Above time frame is a broad guideline and directory in nature; non adherence thereto will not per-se vitiate the proceedings."

4. The present writ petition also stands disposed of in terms of Bhagirath Ram (supra). The disciplinary proceedings shall be kept in abeyance in terms thereof.

5. The respondents shall, however, be free to initiate the same, in accordance with law, albeit as per above timeline.

6. All interlocutory application(s) including the stay application stand disposed of accordingly.

(DINESH MEHTA),J

58-Arun/-