HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8736/2020
CNR: RJHC020385422020 | URN: CW / 15734U / 2020

Chetram Meena S/o Mangal Ram, Aged About 50 Years, R/o- Village Maharajsar, Tehsil And District- Bharatpur, Rajasthan.

----Petitioner

Versus

1. State of Rajasthan, Through The Principal Secretary Home, Department of Home, Government of Rajasthan, Secretariat, Jaipur.
2. The Additional Chief Secretary, Home, Department of Home, Government of Rajasthan, Secretariat, Jaipur.
3. The Director General, Civil Defence And Home Guards, Head Quarter, Directorate, Jaleb Chock, Jaipur

----Respondents

For Petitioner(s)	:	Mr. Gajender Singh Rathore
For Respondent(s)	:	Mr. Sanjay Bharati

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

20/11/2026

1. The petitioner is aggrieved by the order dated 03.06.2020 passed by the Appellate Authority, whereby the appeal filed by the petitioner under the Rajasthan Civil Services (CCA) Rules, 1958 (for short 'CCA Rules'), was not entertained and dismissed on the ground that the same had not been filed within the prescribed period of limitation.

2. Learned counsel for the petitioner submits that a departmental enquiry initiated against the petitioner under Rule 16 of the CCA Rules, was concluded by respondent No.3, i.e., Disciplinary Authority, vide penalty order dated 17.07.2014. Being aggrieved by the said order, the petitioner preferred a writ petition bearing S.B. Civil Writ Petition No.12719/2014 before this Court. The said writ petition was dismissed as withdrawn vide order dated 03.02.2015, with liberty to the petitioner to file an appeal before the appropriate forum, i.e., respondent-Department.

2.1 Learned counsel for the petitioner further submits that the petitioner, inadvertently and due to lack of knowledge, filed the appeal before the Disciplinary Authority itself, which had passed the original penalty order. In the meantime, the criminal case pending against the petitioner was decided on 03.07.2017, and he was acquitted by the Court of learned Additional Sessions Judge No.3, Bharatpur. Thereafter, the petitioner addressed an application dated 13.07.2017 to the Disciplinary Authority, seeking cancellation of the punishment/penalties imposed upon him. The said application was replied to by the Disciplinary Authority vide letter dated 09.08.2017, informing the petitioner that the penalty order dated 17.07.2014 was required to be challenged by filing an appeal before the Appellate Authority. Immediately thereafter, on 14.09.2017, the petitioner preferred an appeal before the Appellate Authority. Learned counsel also submits that the Appellate Authority dismissed the appeal on the ground of limitation without considering the aforesaid facts and circumstances, and, therefore, the impugned order deserves to be quashed and set aside.

3. Learned counsel for the respondents has supported the impugned order dated 03.06.2020 passed by the Appellate Authority.

4. Heard learned counsel for the parties and perused the material available on record.

5. This Court finds that Rule 25 of the CCA Rules, 1958, provides a period of three months from the date of the order for filing an appeal. The proviso to the said Rule further provides that the Appellate Authority may entertain an appeal even after the expiry of the said period if the appellant had sufficient cause for not filing the appeal within the prescribed period.

6. Undisputedly, the petitioner initially approached this Court by way of a writ petition challenging the penalty order and, thereafter, inadvertently filed an appeal before the Disciplinary Authority. It was only vide letter dated 09.08.2017, he was informed that the appeal was required to be filed before the Appellate Authority. Thereafter, he filed the appeal within a reasonable time. It is, thus, evident that the petitioner has explained sufficient cause for not approaching the Appellate Authority within the prescribed period of limitation.

7. Considering the overall facts and circumstances of the case, the impugned order dated 03.06.2020 passed by the Appellate Authority is hereby quashed and set aside. The matter is remanded to the Appellate Authority to reconsider and decide the appeal preferred by the petitioner afresh, on merits, expeditiously, after affording an opportunity of hearing to the petitioner.

8. Accordingly, the present writ petition is allowed in the above terms.

9. Pending applications, if any, also stand disposed of.

(SANDEEP TANEJA),J

D-A/42/SS