HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

D.B. Special Appeal Writ No. 686/2008

CNR: RJHC010444782008 | URN: SAW / 1885U / 2008

1. Jodhpur Central Co-Operative Bank Ltd. Jodhpur through its Managing Director.
2. The Chariman/Administrator, Jodhpur Central Co-Operative Bank Ltd. Jodhpur.
3. Managing Director, Jodhpur Central Co-Operative Bank Ltd. Jodhpur.

----Appellants

Versus

1. LRs of Late Shri Mohan Lal Prajapat

1/1 Smt. Uma Devi W/o Late Shri Mohan Lal, Aged about 65 years, R/o Prajapat Bhawan, Shiv Road, Ratanada, Jodhpur.

1/2 Prameshwar Prajapat S/o Late Shri Mohan Lal, Aged about 45 years, R/o Prajapat Bhawan, Shiv Road, Ratanada, Jodhpur.

1/3 Shobha Devi D/o Late Shri Mohan Lal W/o Shri Ashok Kumar, Aged about 47 years, R/o R/10, Near Krishna Temple, Ratanada, Jodhpur.

1/4 Alka D/o Late Shri Mohan Lal, W/o Shri Ramesh Prajapat, Aged about 40 years, R/o Behind Puri Petrol Pump, Ratanada, Jodhpur.

1/5 Rajeshwari D/o Late Shri Mohan Lal W/o Shri Jitendra Kumar, Aged about 35 years, R/o East Patel Nagar, Ratanada, Jodhpur.

1/6 Anju D/o Late Shri Mohanlal, W/o Shri Daulal, Aged about 33 years, Basni Benda, Village Jhalamand, Jodhpur.

----Respondents

For Appellants : Mr. Nitin Ojha

For Respondents : Mr. Manvendra Singh

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

03/08/2026

1. The challenge in the present appeal is to the judgment dated 10.03.2008 passed by the learned Single Judge whereby, the learned Single Judge has noticed that the charges which were leveled against the respondent-writ petitioner vide charge-sheet dated 14.04.1983, were the same as per the charge-sheet issued subsequently to the writ petitioner, which resulted in issuing of a show cause notice, in disagreement with the report of the enquiry officer.

2. It is to be noticed that the respondent-writ petitioner was first suspended on 04/06.09.1982 and the suspension order was later on withdrawn, when a writ petition was filed before this Court. The respondent-writ petitioner was again charge-sheeted on 14.04.1983 and a show-cause notice was issued to him to show cause as to why he should not be removed for the misconduct. A writ petition was filed by the respondent-writ petitioner and during the pendency of the writ petition, on 02.04.1985, the Bank withdrew the charge-sheet as well as the suspension order. The Court rendered the writ petition as infructuous and also imposed cost on the Bank.

3. Further, on the same charges, he was again placed under suspension on 28.05.1985 and a departmental enquiry was also initiated by a fresh charge-sheet dated 28.05.1985. The enquiry was conducted and the enquiry officer exonerated the petitioner of all the charges, to which a disagreement note was prepared by an

Accountant of the Bank and that disagreement note was made as a basis to issue the show-cause notice to the respondent-writ petitioner for removing him from service.

4. A writ petition was again, therefore, filed before this Court and vide the judgment passed by the learned Single Judge impugned in the present appeal, the said show-cause notice dated 21.05.1988 and 15.04.1994, along with the note of the Accountant dated 19.05.1985, were quashed and set aside.

5. Learned counsel for the appellant submits that although the respondent-writ petitioner has expired and the appellant-Bank would not be in a position to take any action against the deceased employee but the findings given by the learned Single Judge should be set aside.

6. We find that if the Bank is not in a position to take any action against the deceased employee, the order passed by the learned Single Judge does not warrant any interference, since the show-cause notices for imposing penalty of removal from service itself have been quashed and the consequential orders of removal from service, even if we allow this appeal, cannot be passed against a deceased employee. Since the order of removal was never passed, there is no occasion for interfering with the order passed by the learned Single Judge.

7. However, we notice that in normal course, ordinarily this Court ought not to interfere with a show-cause notice which have not culminated into a final order and a writ petition would not be maintainable against a show-cause notice of punishment, as that would amount to taking a decision by this Court without allowing the concerned disciplinary authority to take a decision at their own

level after examining the representation of the concerned delinquent employee.

8. With the aforesaid observation, we hold the appeal to be rendered infructuous and otiose, as the respondent-writ petitioner had already expired.

9. The appeal is accordingly dismissed.

10. All pending applications stand disposed of.

11. It is made clear that the legal representatives of the deceased employee would be entitled to receive all the benefits, as granted by the learned Single Judge.

(SANJEET PUROHIT),J (SANJEEV PRAKASH SHARMA),ACJ

1/Jayesh Soni