

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

D.B. Special Appeal Writ No. 440/2024

1. The Jaipur Vidhyut Vitran Nigam Limited, Jaipur, R.s.e.b. Building Jyoti Nagar, Jaipur Through Its Chairman Cum Managing Director.
2. The Assistant Engineer (O And M), Jaipur Vidhyut Vitran Nigam Limited, Uniara District Tonk

----Appellants-Respondents

Versus

1. Purshottam Son Of Shri Bajrang Lal, Aged About 64 Years, Resident Of Ward No. 6, Bhoteshwar Gate, Kachion Ka Mohalla, Uniara, District Tonk.
2. Bhanwar Lal Son Of Shri Madho Lal, (Died) Now Represented by-
  - 2.1. Smt. Narmada Devi W/o Late Shri Bhanwar Lal, Aged About 60 Years, R/o Godo Ki Jhopdi, Uniyara, District Tonk.
3. Onkar, Son Of Birdhi Chand
4. Brij Mohan, Son Of Shri Kalyan
5. Radha Kishan S/o Shri Ram Narayan, All Previously Working As Helper-II In The Office Of AEN (O And M), RSEB, Uniara, District Tonk.
6. Hajari Son Of Shri Bhoora Lal, (Died) Now Represented By-
  - 6.1. Smt. Gita Devi W/o Late Shri Hajari, Aged About 60 Years, R/o Balithal, Uniyara, District Tonk.
7. Bhanwar Lal, Son Of Shri Ghasi Lal
8. Bhairu Lal, Son Of Shri Tulsi Ram
9. Ram Kumar S/o Shri Ganga Kishan, All Previously Working As Helper-II In The Office Of AEN (O And M), RSEB, Uniara, District- Tonk
10. Kishan Lal Son Of Shri Bajrang Lal, (Died) Now Represented By-
  - 10.1. Smt. Jagdish Devi W/o Late Shri Kishan Lal, Aged About 70 Years, R/o Gothon Ki Jhopdiyaan, Tehsil Uniyara, District Tonk.
11. Sita Ram Son Of Shri Ram Chandra, Previously Working

As Helper-II In The Office Of AEN (O And M), RSEB,  
Uniarara, District- Tonk (Died)

12. Rugh Raj Son Of Shri Bhagreet, (Died) Now Represented  
By-

12.1. Smt. Kailashi Devi W/o Late Shri Rugh Raj, Aged About  
68 Years, R/o Ward No. 3, Khatikon Ka Mohallah, Uniyara,  
District Tonk.

-----Respondents-Petitioners

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For Appellant(s) : Mr. Sarvesh Jain

For Respondent(s) : -

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**HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA**

**HON'BLE MR. JUSTICE BHUWAN GOYAL**

**Order**

**03/01/2025**

1. Learned counsel for the appellants would submit that learned Single Judge erred both in law and on facts in not appreciating that the writ-petitioners/employees were proceeded against in departmental enquiry on serious charges of ante-dating their applications and merely because the records of enquiry could not be made available before the learned Single Judge, adverse inference could not be drawn and essentially, it was for the employees who had come to the Court to prove that they had submitted their applications well within time, irrespective of the result of departmental enquiry.

2. He would further submit that as far as one of the writ petitioners, namely, Purshottam is concerned, in the records of present appeal, his own statement containing admission of he having submitted application beyond the prescribed period has

been placed, which clearly shows that Purshottam was not entitled to benefit as he had not submitted his option within time.

3. The order of learned Single Judge proceeds to decide the issue taking into consideration the material available on record. Appellants' allegation of respondents/employees having submitted ante-dated applications was rejected as there was no material documents placed on record much less the orders of the departmental enquiry, if any. Whatever may be the reasons for loss of the records, the fact of the matter is that there was no material on record to sustain the allegations of respondents/employees having submitted ante-dated applications.

4. Insofar as Purshottam is concerned, the statement which is placed on record was not before the learned Single Judge. We failed to understand if that record was already available with the appellants, then why the same could not be placed before the learned Single Judge.

5. Be that as it may, insofar as the case of the Purshottam is concerned, only to that limited extent, we give the appellants an opportunity to seek review of the order. In respect of all other respondents, no case is made out on merits and the appeal shall stand dismissed.

(BHUWAN GOYAL),J

(MANINDRA MOHAN SHRIVASTAVA),CJ