HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16087/2026
CNR: RJHC020792932026 | URN: CW / 34083U / 2026

1. Sanjeev Bhardwaj S/o Suresh Chand Sharma, Aged About 59 Years, R/o A-27, Ashish Vihar R.b.i. Colony, Jagatpura, Jaipur.
2. Dharampal Singh Ashiwal S/o Late Shri Bhola Ram Ashiwal, Aged About 52 Years, Resident Of 21,22 Ridhu Nagar, Govindpura, Niwaru Link Road, Near Kardhani, Jhotwara, Jaipur- 302012.

----Petitioners

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Transport And Road Safety Department Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Commissioner, Transport And Road Safety Department, Parivahan Bhawan, Rajasthan, Jaipur.
3. Additional Commissioner (Administration) And Joint Secretary, Government Of Rajasthan, Transport And Road Safety Department, Rajasthan, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Deepak Bishnoi Mr. Rishabh Bhidasra Naruka
For Respondent(s)	:	Mr. S.S. Naruka, AAG with Mr. Sachin Singh Rathore

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HON'BLE MR. JUSTICE ANAND SHARMA

Order

08/09/2026

1. By way of filing this writ petition, the petitioners have challenged interim preliminary enquiry report dated 19.06.2025 as well as final preliminary enquiry report dated 17.10.2025, wherein after conducting fact finding enquiry, the petitioners have been found guilty and directions have been given for framing charge-

sheet under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) (CCA) Rules, 1958 (hereinafter to be referred as 'the Rules of 1958').

2. Learned counsel for the petitioners submits that firstly, the Committee for conducting enquiry as constituted by the respondents is totally against the provisions of the Rules of 1958, and even when such constitution was opposed by the petitioners along with other objections against the interim enquiry report submitted by the said Committee, the objections raised by the petitioners have not been taken care of and have been ignored.

3. Learned counsel further submits that since, the impugned enquiry reports lay down a finding that the petitioners are guilty of committing irregularities as mentioned in the enquiry reports, it is virtually coming to a conclusion against the petitioners without even conducting a regular enquiry as per statutory Rules and in case, such enquiry reports are made basis for taking penal action against the petitioners, it would be virtually prejudice the legitimate rights of the petitioners.

4. Learned Additional Advocate General appearing for the State opposed the writ petition by contending that the writ petition filed by the petitioners is totally pre-mature. Learned AAG submits that whenever any kind of irregularity or possible commission of misconduct is brought to the notice of authorities of respondent-Department, they have got every right to conduct preliminary fact finding enquiry so as to take a final decision with regard to proposed action to remedy the irregularities, as well as

to take disciplinary action in accordance with law against the wrong doers.

5. Learned AAG further submits that in all fairness, the respondent-Department on its own has conducted preliminary enquiry in two stages. Earlier, interim report was submitted and thereafter, after collecting the entire documents, a final preliminary report has been given. The preliminary enquiry report suggests that the petitioners have *prima facie* committed misconduct, therefore, recommendation has been given to conduct enquiry strictly in accordance with the Rules of 1958 by serving charge-sheet under the applicable Rules.

6. Learned AAG on behalf of the respondents assures that no action whatsoever shall be taken against the petitioners without following the Rules of 1958 in letter and spirit. Learned AAG also submits that the apprehension of the petitioners that the impugned enquiry reports shall be treated as the enquiry report under Rule 16 of the Rules of 1958, and only on that sole basis the petitioners shall be punished, is wholly misconceived and baseless.

7. Learned AAG submits that Rule 16 of the Rules of 1958 contemplates a detailed procedure, wherein firstly definite charges shall be framed and a charge-sheet along with statement of allegations shall be served upon the delinquent employees requiring them to submit their explanation/reply to the charge-sheet. Thereafter, the reply shall be considered by the disciplinary authority and only under the circumstances, where the disciplinary authority is not satisfied with the reply to the charge-sheet, the

respondents would proceed further either by appointing an Enquiry Officer to conduct enquiry or disciplinary authority itself may conduct enquiry. During enquiry, complete opportunity shall be given to the petitioners and they will be having opportunity to cross-examine the witnesses, if any, produced by the respondent-Government in support of charges, as well as the petitioners shall also be at liberty to produce their own evidences in defence.

8. Learned AAG submits that as per Rule, thereafter, copy of enquiry report shall be served upon the delinquents further requiring them to submits their representation/explanation/objection against the findings of Enquiry Officer and after objectively considering the entire material, a final order shall be passed by the disciplinary authority strictly in accordance with the Rules. In view of above learned Additional Advocate General prayed for dismissing the writ petition.

9. Having heard learned counsel for the parties and perused the material available on record, the preliminary question which arises for consideration of this Court is as to whether, as of now, the impugned enquiry reports are causing any prejudice to the petitioners or not.

10. It has not been disputed that penalty in any disciplinary proceedings can be imposed upon any delinquent employee after following the due procedure under the Rules of 1958. In the instant case, admittedly as on today, not even a charge-sheet under the Rules of 1958 has been issued against the petitioners. Thus, this Court is in complete agreement with the objection

raised by learned AAG that the writ petition filed by the petitioners is pre-mature. As assured by learned AAG as well as, as per the Rules of 1958, complete opportunity of hearing and defence shall be provided to the petitioners and no disciplinary action shall be taken against them without following the Rules of 1958.

11. Thus, the apprehension reflected by the petitioners that the preliminary enquiry reports are the sole basis for taking adverse action against the petitioners is totally unfounded. Learned counsel for the petitioners fails to show any provision, which prevents the State Government from conducting any preliminary enquiry, and once a report of preliminary enquiry is available certainly it can be considered even during the main enquiry, but only in the form of a piece of evidence, after giving sufficient opportunity of defence to the delinquent employees.

12. In view of above, this Court does not find any ground to interfere in the instant writ petition, and same is hereby dismissed.

13. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J

32/DIVYA