HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 624/2024
CNR: RJHC020865162024 | URN: SAW / 1651U / 2024

Chief Manager, Rajasthan State Road Transport Corporation, Tonk Depot.

----Appellant/Petitioner

Versus

1. Ram Ratan Sharma S/o Shri Bajrang Lal, Post Conductor (Since deceased during proceedings).

1/1 Smt. Sushila Devi Wife Of Late Shri Ram Ratan Sharma,

1/2 Sharwan Kumar S/o Late Shri Ram Ratan Sharma,

1/3 Anurag Sharma S/o Late Shri Ram Ratan Sharma,

1/4 Ashish Sharma S/o Late Shri Ram Ratan Sharma,
All Resident of Opposite Bhartiya Khad Nigam, Niwai, District Tonk.

----Respondents

For Appellant(s)	:	Mr. Nitin Sinsinwar
For Respondent(s)	:	Mr. Kailash Chand Sharma

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA
Order

20/08/2026

1. This appeal has been filed by the appellant–petitioner challenging the order dated 05.08.2024 passed by the learned Single Judge whereby the writ petition was dismissed.

2. The learned Single Judge while dismissing the writ petition has observed as under:-

> *"5. Heard and considered the submissions made at Bar and perused the material available on record.*
>
> *6. Perusal of the record indicates that after holding an enquiry against the respondent-workman, a decision was taken by the petitioner-corporation vide order dated 30.06.1997 to terminate the services of the respondent-workman and for seeking approval from the Tribunal, an application under Section 33(2)(b) of the Act of 1947 was submitted.*

However, during pendency of the said application, the respondent-workman expired. After that the Tribunal recorded a finding that domestic enquiry conducted against the respondent-workman was against the principles of natural justice, and the same was done ex-parte without affording any opportunity of hearing and held that the domestic enquiry was unfair. The Tribunal has rejected the application filed by the petitioner-corporation on the technical count that after the death of the respondent-workman, a fresh enquiry cannot be conducted as the legal representatives of the respondent-workman would not be in a position to put defence on behalf of the deceased respondent-workman. The aforesaid conclusion was drawn by the Labour Court with the strength of the proposition of law as laid down by this Court in the cases of ***RSRTC Versus Sukhbir Singh(supra) and Prem Kumari Versus Central Industrial Tribunal and others*** *(supra).*

7. *In view of above, this Court finds no error in the order passed by the Tribunal. Accordingly, the writ petition is found to be devoid of merit and the same is hereby dismissed.*

8. *Stay application as well as all applications (pending, if any) stand dismissed."*

3. We are in complete agreement with the view taken by the learned Single Judge in the impugned order as the learned Single Judge has decided the writ petition in light of the judgment passed by this Court in the cases referred above. Therefore, in our considered opinion, no case is made out to interfere with the order passed by the learned Single Judge.

4. Accordingly, the appeal filed by the appellant-petitioner stands dismissed.

(SANDEEP TANEJA),J (INDERJEET SINGH),J

50/SHAILENDRA