



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 79/2020

Shyam Sundar Vaishnav S/o Shri Panna Lal, Aged About 58
Years, R/o Village Laxmipura, Post Phalodi, Distt. Jodhpur,
Rajasthan.

-----Petitioner

Versus

1. Rajasthan State Road Trans. Corporation Ltd., Through
Chief General Manager, Jaipur, Rajsthan.
2. The Chief Manager, Rajasthan State Road Transport
Corporation Ltd., Nagaur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Ms. Urmila Chouhan
For Respondent(s)	:	Mr. Avin Kr. Chhangani Mr. Shruti Rathi

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

12/11/2025

1. The present writ petition has been instituted by the
petitioner assailing the inaction of the respondent authorities,
who, despite the specific directions contained in the order passed
by the learned Industrial Tribunal, failed to reinstate the petitioner
to his post as Bus Conductor.
2. Briefly stated the facts of the case are that the petitioner was
initially appointed as a Bus Conductor in the respondent
department in the year 1982 and was subsequently confirmed in
service in February 1984. It is asserted that during his tenure, the
petitioner discharged his duties with utmost sincerity, diligence,
and dedication.



2.1. On 21.12.1990, while performing his official duties on Bus No. 6703 plying on the Nagaur–Prabatsar route, an inspection was carried out by the departmental inspectors, namely, Jagdish Narayan, Anand Choudhary, and Sukha Ram. During the said inspection, the petitioner was alleged to have failed to issue valid tickets to 28 passengers travelling on the bus.

2.2. It is the petitioner's categorical assertion that no passenger was travelling without a valid ticket at the time of inspection. He submits that the said inspectors, harbouring personal animosity against him, fabricated false allegations in retaliation to his refusal to meet their unlawful demand for "Kharcha Pani." The inspection report, according to the petitioner, was prepared in a biased and arbitrary manner without verification of the ticket records or recording of passengers' statements.

2.3. Pursuant to the said inspection, the petitioner was placed under suspension vide order dated 22.12.1990, and thereafter, a charge sheet was issued to him by the Divisional Manager on 29.12.1990. The petitioner submitted a detailed and comprehensive reply to the charge sheet, explicitly refuting all allegations and asserting that each passenger on board had been duly issued a valid ticket. He also requested permission to produce documentary and testimonial evidence to establish the falsity of the charges levelled against him.

2.4. Subsequently, the respondent authorities initiated disciplinary proceedings, which culminated in an order of removal from service. Thereafter, the respondents approached the Learned



Industrial Tribunal, Jaipur, by filing Case No. MIS I.T. 248/1992, seeking approval of the removal order under Section 33(2)(b) of the Industrial Disputes Act, 1947. Upon thorough consideration of the record, the Learned Tribunal categorically held that the evidence adduced by the Nigam/respondent failed to substantiate the charges against the petitioner. Consequently, the Tribunal rejected the approval application under Section 33 (2)(b) of the Industrial Disputes Act filed by the respondent, declaring that the proceedings were vitiated owing to certain grounds and thus vide order dated 02.08.2017 the entire inquiry was held illegal and the Tribunal directed both the parties to place all the material evidence on record to adjudicate by itself. Whereupon the parties led their ocular and documentary evidence. After weighing and measuring and evaluating the entire material, the learned Tribunal passed the order dated 17.07.2019 whereby the decision of removal of the petitioner from services was set aside, and the charges were not found proved. As a necessary consequence of which, the petitioner was supposed to reinstate and allowed to work on his place.

2.5. Despite the binding and unambiguous findings of the learned Industrial Tribunal, the petitioner was not reinstated in service. He repeatedly represented to the respondent authorities seeking compliance with the Tribunal's order dated 17.07.2019; however, the same remained unheeded.

2.6. Aggrieved by the continued inaction and deliberate non-compliance by the respondent authorities, the petitioner has



approached this Court by way of the present writ petition, seeking enforcement of the Tribunal's order and reinstatement in service with all consequential benefits.

3. Learned counsel for the petitioner submits that despite the clear and binding order of the learned Industrial Tribunal dated 17.07.2019, the respondents have failed to reinstate the petitioner to his post of Bus Conductor. He further submits that the petitioner was appointed in the year 1982 and confirmed in the year 1984, was falsely accused during an inspection on 21.12.1990 of allowing 28 passengers to travel without valid tickets. It is contended that the charges were fabricated due to personal animosity and his refusal to pay an illegal demand. It is further argued that though the Tribunal held the inquiry illegal and the termination unjustified, the respondents have wilfully failed to comply with its directions. Hence, the petitioner seeks reinstatement with all consequential and monetary benefits as per law.

4. Learned counsel for the respondents contends that the petitioner's claims are misconceived, asserting that he had a history of irregularities, including carrying passengers without valid tickets. It is submitted that a departmental inquiry was conducted in accordance with prevailing rules, providing the petitioner ample opportunity to present evidence, and he was lawfully terminated vide Order No.554 dated 04.12.1992. Allegations against the inspecting officers are unsubstantiated. The counsel for the respondents further submits that the writ petition is without merit deserves to be dismissed.





5. I have heard the counsel for the parties and gone through the material as made available to this Court.

6. Upon meticulous perusal of the material placed before this Court, it is further observed that the respondents, despite the clear, categorical, and binding findings recorded by the learned Industrial Tribunal, failed to comply with its directions by neither reinstating the petitioner in service nor extending to him the consequential benefits flowing therefrom. Although the respondents were fully empowered to challenge the said order before a competent forum within the prescribed period of limitation, they elected not to avail any such statutory remedy. Consequently, the order dated 17.07.2019 has attained finality in the eyes of law.

6.1. The learned Tribunal, upon granting both parties an adequate and fair opportunity to lead, rebut, and substantiate their respective evidence, adjudicated the matter on merits and thereafter set aside the order earlier passed by the respondents. Once such a judicially reasoned and statutorily empowered determination attains finality, it becomes wholly impermissible for the respondents to assail, dilute, or circumvent its operation by indirect, collateral, or extraneous means. The order of the Tribunal, being clothed with judicial sanctity, remains operative and binding *inter se* the parties to the lis unless and until it is annulled, modified, or stayed by a superior forum exercising lawful jurisdiction.



6.2. The trial court, while exercising its competent jurisdiction, had rightly set aside the impugned removal order; hence, any contention advanced by the respondents alleging that the Tribunal misconceived the legal position stands wholly misconstrued and devoid of substance. It was incumbent upon the respondents, as a matter of constitutional discipline and administrative propriety, to honour, implement, and give full effect to the Tribunal's order in *toto*. Their failure to do so coupled with their attempt to raise a belated, untenable, and legally unsound plea before this Court without first invoking any statutory remedy exhibits a contumacious disregard for the rule of law. Such conduct not only militates against judicial propriety but also warrants serious deprecation.

6.3. It is of further significance that the order of the Tribunal, rendered as far back as in 2019, has not been subjected to any form of challenge neither through appeal, review, revision, nor by invoking the extraordinary writ jurisdiction of a superior court. The respondents are, therefore, precluded from asserting that the said order was *ex parte*, erroneous, or without jurisdiction. Once an order is issued by a competent statutory or constitutional authority vested with adjudicatory powers, it carries with it a binding and obligatory character, and every person or authority affected thereby is duty-bound to comply with it faithfully unless and until it is lawfully set aside.

6.4. The architecture of a Tribunal is not merely administrative in character but is quasi-judicial in its very constitution being



statutorily enacted, functioning within the constitutional framework, and presided over by a judicial officer or a person endowed with commensurate legal acumen. Orders emanating from such a body are judicial in essence, endowed with authoritative efficacy, and cannot be treated as inconsequential, advisory, or optional for compliance. If any aggrieved party believes the Tribunal's order to be erroneous, the remedy lies strictly within the parameters of law through appeal, revision, review, or writ proceedings and not through defiance, speculative objection, or administrative inaction. A party cannot claim to question the validity of such an order without first invoking the legally sanctioned remedies available under the judicial hierarchy.

6.5. Therefore, the plea now sought to be raised by the respondents that the Tribunal misconceived its jurisdiction or erred in law is not only legally unsustainable but also an affront to the well-settled principles governing the finality of judicial determinations. Such conduct undermines the sanctity of institutional adjudication, erodes the authority of quasi-judicial forums, and strikes at the very foundation of judicial discipline. The Tribunal's order, being one passed by a competent quasi-judicial forum, commands unqualified, unconditional, and immediate obedience unless and until it is superseded by a competent judicial pronouncement.

6.6. The order has attained finality and the respondents have no other way except to comply but the compliance was not made brazenly, therefore, constrained by the circumstances, the



petitioner made approach to this Court. Although, he was not supposed to move a writ petition instead he ought to have moved an application for implementation of the order, an execution proceeding or a contempt proceeding. But since now several years have lapsed, his service tenure has come to an end, therefore, being the sentinel of the Constitution and having superintending jurisdiction under Article 227 and looking to the facts and circumstances of the case at this stage now directing the petitioner to do the aforementioned things for compliance of the order, this Court felt it appropriate to decide the writ petition by issuance of certain directions to uphold the sanctity of the law and to ensure finality of a judicial order.

7. Accordingly, the instant Writ Petition is disposed of with the following directions:

- (a) The petitioner shall be treated as reinstated in service and shall be deemed to have been continuously in service for all purposes.
- (b) The charge-sheet issued against the petitioner and the decision in inquiry proceeding shall be treated nonest.
- c) All consequential benefits, including salary, allowances, seniority, emoluments, and retiral benefits, as provided under law, shall be restored forthwith.
- (d) The respondents are directed to ensure full compliance with the Tribunal's order dated 17.07.2019 and to pay all dues to the petitioner along with interest at the rate of 6% per annum, within



sixty (60) days from the date of receipt of a certified copy of this order.

(e) The respondents shall act with due diligence to ensure complete, faithful, and timely compliance with the aforesaid directions, thereby rectifying the prolonged injustice and restoring the petitioner's lawful entitlements.

8. Accordingly, the writ petition stands disposed of in terms of the above directions.

8.1. No order as to costs.

(FARJAND ALI),J

196-Mamta/-