ITEM NO.45 COURT NO.12 SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 25465/2026

[Arising out of impugned final judgment and order dated 26-02-2026 in DBSAW No. 1421/2025 passed by the High Court of Judicature for Rajasthan at Jodhpur]

PARSARAM KHICHI Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS. Respondent(s)

IA No. 201300/2026 - CONDONATION OF DELAY IN FILING
IA No. 201301/2026 - EXEMPTION FROM FILING O.T.

WITH
SLP(C) No. 34501/2026 (XV)

IA No. 300129/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 300130/2026 - EXEMPTION FROM FILING O.T.

Date : 02-11-2026 These matters were called for hearing today.

CORAM : HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) : Mr. G. Arudhra Rao, Adv.
Mr. Vishal Kumar Singh, Adv.
Mr. Abhijit Sengupta- 1258, AoR
Mr. Abhijit Sengupta, AoR
Mr. Suraj Kumar Jha, Adv.
Mr. Nelson Khichi, Adv.
Mr. Yash Yadav, Adv.
Ms. Vijaya Laxman Devasthali, Adv.
Mr. Vikas, Adv.
Ms. Rajlakshmi, Adv.
Mr. Shivananda Dalei, Adv.
Mr. Ranjit Kumar, Adv.
Mr. Anilkumarmohapatra, Adv.
Mr. Yeshwant, Adv.

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Date: 2026.11.05 16:55:33 IST
Reason:

For Respondent(s) : Mr. Rajan Kumar Chourasia, Adv.

Mr. S.. Udaya Kumar Sagar- 1132, AoR
Ms. Satyama Dubey, Adv.
Ms. Anju Shree Verma, Adv.

O R D E R

Heard Mr. G. Arudra Rao, learned counsel for the petitioner and Mr. Rajan Kumar Chaurasia, learned counsel for the contesting respondents.

2. Pursuant to a disciplinary inquiry initiated against the petitioner on 28.05.2025, an order of removal from service was passed against him. A review petition preferred thereafter was also rejected by the employer on 25.08.2025.

3. Upon a challenge being mounted in judicial review, the learned Single Judge dismissed the writ petition on 15.09.2025. Aggrieved thereby, the petitioner filed an intra-court special appeal. When the special appeal came up for hearing, the Division Bench of the High Court, after taking note of the rival contentions, passed the following order:

> *" We, however, feel that even removal from service is a lighter punishment and we, therefore, give the appellant a notice to show cause as to why the punishment of removal from service should not be enhanced to that of dismissal from service."*

4. The Division Bench has, by the impugned order, called upon the appellant to show cause as to why the penalty of removal from service should not be enhanced to that of dismissal.

5. We are of the opinion that such an order could not have been passed by the Division Bench. The employer had passed the order of

removal, which had attained finality at the instance of the employer. It is the petitioner alone who was aggrieved thereby, and having failed before the learned Single Judge, had approached the Division Bench in appeal.

6. The direction issuing show cause notice for enhancement of punishment at the instance of the Division Bench is legally untenable. Consequently, we set aside the impugned order. D.B. Special Appeal Writ No. 1421/2025 shall now be heard on its own merits, without reference to the impugned order and uninfluenced by any observations made therein.

7. The special leave petition stands disposed of in the aforesaid terms.

8. In respect of the submission of Mr. Arudhra Rao, learned counsel, that the matter requires expeditious hearing, we observe that it would be open to the petitioner to make such a prayer before the High Court.

9. The order impugned in SLP(C) No. 34501/2026 is an order of adjournment. No separate orders are called for.

10. Pending applications, if any, stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(NIKITA SINGH)
COURT MASTER (NSH)