



2026:CGHC:26705-DB

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HIGH COURT OF CHHATTISGARH AT BILASPURReserved Judgment on- 30.06.2026Judgment Delivered on 09.10.2026Judgment Uploaded on 09.10.2026**WPS No. 3105 of 2024**

Mukesh Kumar Sharma S/o Shri S.N. Sharma, Aged About 51 Years
Occupation Loco Pilot Goods, R/o Hemu Nagar, Bilaspur, District- Bilaspur
(C.G.). Pin Code- 495001. (Wrongly Mentioned As 435004).

**ALFIZA
BAIG**

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... Petitioner**versus**

1 - Union Of India Through- Its General Manager, South East Central
Railway (Secr), Head Quarter- Bilaspur, Bilaspur, District- Bilaspur (C.G.).
Pin Code-495001.

2 - Senior Divisional Electrical Engineer (Operating), South East Central
Railway (Secr), Bilaspur Division, Bilaspur, District- Bilaspur (C.G.). Pin
Code- 495001 (Disciplinary Authority)

3 - Divisional Railway Manager, South East Central Railway (Secr), Bilaspur
Division Bilaspur, District- Bilaspur (C.G.). Pin Code 495001 (Revising
Authority)

... Respondents

For Petitioner : Mr. A.V. Shridhar, Advocate

For Respondents : Mr. R.K. Mishra, Advocate

Division Bench:
Hon'ble Shri Justice Parth Prateem Sahu &
Hon'ble Shri Justice Sachin Singh Rajput
CAV Order

Parth Prateem Sahu, J

1. By this writ petition, petitioner has challenged the legality and sustainability of the order dated 16.04.2024(Annexure P/1) passed by the Central Administrative Tribunal, Bench at Jabalpur (M.P.) in Original Application No. 200/00439/2021 (*Mukesh Kumar Sharma Vs. Union of India and Ors.*).
2. Learned counsel for the petitioner submits that the order passed by Central Administrative Tribunal(*herein referred to as CAT*) dated 16.04.2024 (Annexure P/1) is bad in law. He submits that the issuance of show cause notice by revisionary authority is in contravention of proviso to Rule 25(5)(b) of the Railway Servants (Discipline & Appeal) Rules, 1968. He further submits that revisionary powers have not been exercised by the revisionary authority within a prescribed period of time i.e. six months. After expiry of prescribed period of six months as mentioned in proviso to Rule 25(5)(b), Divisional Railway Manager (herein referred to as DRM) has become functus officio and, therefore, issuance of show cause notice exercising the revisionary powers is *de hors* the relevant prevailing and applicable rules governing the service of petitioner. The show cause notice (Annexure A/1) dated 29.06.2021 issued to petitioner by DRM was without any authority of law as also without any jurisdiction.

3. He also submits that earlier the show cause notice dated 29.06.2021 was withdrawn by DRM vide order dated 23.08.2021 (Annexure A/10). Thereafter, another show cause notice was issued on 20.10.2021 by the General Manager & Revisionary Authority proposing enhancement of punishment to be imposed upon the petitioner in the disciplinary proceedings vide order dated 01.05.2019 (Annexure A/6). He submits that when one show cause notice was withdrawn which is in contravention to the proviso to Rule 25(5)(b) of the Railway Servants (Discipline & Appeal) Rules, 1968, issuance of another notice by another authority is arbitrary. It is also argued that if no time limit is provided for exercising power of revision then also it should be within reasonable time. Order of disciplinary authority is dated 01.02.2019 whereas the show cause notice for revision is dated 20.10.2021.
4. Learned counsel for the respondents supports the order passed by the CAT and submits that challenge before the CAT in original application is only with regard to show cause notice. Petitioner could have submitted reply to show cause notice as the show cause notice is with regard to proposal for enhancement of punishment, no decision was taken. General Manager is having the jurisdiction under Proviso to Rule 25(5)(b) of the Rules of 1968. The original application filed by petitioner was premature. Tribunal has taken into consideration the relevant provisions of proviso to Rule 25(5)(b) of the Rules of 1968 and came to the conclusion that according to the Rules of 1968 if suo-moto revision is undertaken beyond the time limit, then it can be done only by the General Manager of Railway Board provided they are above Appellate Authorities or by the President even if he happens to

be the Appellate Authority. In the case at hand General Manager/SEC Railway is higher than the appellate authority and empowered to take suo moto revision without restriction of any time limit in terms of 25(5) of Railway Servant (Discipline and Appeal) Rules, 1968 and hence the Tribunal did not find any illegality in the action of the respondents while issuing the show cause notice dated 20.10.2021 and thereby dismissed the original application.

5. We have heard learned counsel for the respective parties and perused the documents enclosed along with the writ petition.
6. Before proceeding further we find it appropriate to extract below the reliefs sought for by the petitioner/applicant before the Central Administrative Tribunal in its original application:-

“(i) Summon the entire relevant record from the respondents for its kind perusal;

(ii) Quash and set aside the show-cause notice dated 29.06.2021 (Annexure A/1) as ex facie arbitrary, illegal and without competence and jurisdiction;

(iii) Further the respondents be restrained from taking any coercive action against the applicant in pursuance to the show-cause notice dated 29.06.2021 (Annexure A/1) and the applicant's status be maintained as Loco Pilot Goods along with all consequential benefits;

(iv) Any other order/orders, which this Honorable Court deems, fit proper;

(v) Cost of the original application may also kindly be awarded.”

7. In the relief clause it is appearing that quashment and setting aside of show cause notice dated 29.06.2021 (Annexure A/1) is sought. In the order impugned passed by learned CAT in para no. 1 Tribunal has recorded that original application filed against the show cause notice dated 29.06.2021 Annexure A-1 as well as show cause notice dated 20.10.2021 Annexure A-11 issued by the General Manager wherein suo-moto revision proceedings have been initiated by the Revisionary Authority.
8. So far as the question of jurisdiction of the authority raised before the CAT as also before this Court, we find it appropriate to extract below the relevant provision of the Rules 1968. Petitioner too has extracted the same in its writ petition. Rule 25(5) is relevant in the facts of the case and therefore, it is extracted below for ready reference:-

“Rule 25 of Railway Servants (Discipline & Appeal) Rules, 1968

25. Revision -

(1) Notwithstanding anything contained in these rules -

(i) the President, or

(ii) the Railway Board, or

(iii) the General Manager of a Railway Administration or an authority of that status in the case of a Railway servant serving under his control, or

(iv) the appellate authority not below the rank of a Divisional Railway Manager in cases where no appeal has been preferred, or

(v) any other authority not below the rank of Deputy Head of Department in the case of a Railway servant serving under his control -

may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and revise any order made under these rules or under the rules repealed by Rule 29, after

consultation with the Commission, where such consultation is necessary, and may -

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) pass such orders as it may deem fit:

Provided that-

- (a) no order imposing or enhancing any penalty shall be made by any revising authority unless the Railway servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed;
- (b) subject to the provisions of Rule 14, where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of Rule 6 or the penalty specified in clause (iv) of Rule 6 which falls within the scope of the provisions contained in sub-rule (2) of Rule 11 or to enhance the penalty imposed by the order under revision to any of the penalties specified in this sub- clause, no such penalty shall be imposed except after following the procedure for inquiry in the manner laid down in Rule 9, unless such inquiry has already been held, and also except after consultation with the Commission, where such consultation is necessary.

(2) No proceeding for revision shall be commenced until after -

- (1) the expiry of the period of limitation for appeal; or
- (ii) the disposal of the appeal where any such appeal has been preferred:

Provided that the provisions of this sub-rule shall not apply to the revision of punishment in case of Railway accidents.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

(4) No power of revision shall be exercised under this rule -

(1) by the appellate or revising authority where it has already considered the appeal or the case and passed orders thereon; and

(ii) by a revising authority unless it is higher than the appellate authority where an appeal has been preferred or where no

appeal has been preferred and the time limit laid down for revision by the appellate authority, has expired:

Provided that nothing contained in clauses (1) and (ii) above. shall apply to revision by the President.

(5) No action under this rule shall be initiated by -

(a) an appellate authority other than the President; or

(b) the revising authorities mentioned in item (v) of sub-rule (1) -

after more than six months from the date of the order to be revised in cases where it is proposed to impose or enhance a penalty or modify the order to the detriment of the Railway servant; or more than one year after the date of the order to be revised in cases where it is proposed to reduce or cancel the penalty imposed or modify the order in favour of the Railway servant:

Provided that when revision is undertaken by the Railway Board or the General Manager of a Zonal Railway or an authority of the status of a General Manager in any other Railway Unit or Administration when they are higher than the appellate Authority, and by the President even when he is the appellate authority, this can be done without restriction of any time limit.

Explanation: For the purposes of this sub-rule the time limits for revision of cases shall be reckoned from the date of issue of the orders proposed to be revised. In cases where original order has been upheld by the appellate authority, the time limit shall be reckoned from the date of issue of the appellate orders."

9. During the course of argument, learned counsel for the petitioner has also made a submission that the show cause notice has not been issued following due procedure as provided under the Rules of 1968. Perusal of the extracted provision under Rule 25(5)(b) of the Rules of 1968 would show that no action under this Rule shall be initiated after more than six months from the date of order to be revised in cases where it is proposed to impose or enhance the penalty or modify the order to the detriment of Railway Servant, or more than one year after the date of order to be revised in cases where it is proposed to reduce or cancel the penalty imposed or modify the order in favor of the Railway servant.

10. Proviso to Rule 25(5)(b) further mentions that when revision is undertaken by the Railway Board or the General Manager of a Zonal Railway or an authority of the Status of a General Manager in any other Railway Unit or Administration when they are higher than the appellate authority, and by the President even when he is the appellate authority, this can be done without restriction of any time limit.
11. In the case at hand, in the original application challenge is to the show cause notice dated 29.06.2021 stating it to be arbitrary, illegal and without any competence and jurisdiction. Learned CAT has considered that the show cause notice dated 29.06.2021 was withdrawn by DRM considering the provision under Rule 25(5)(b) of the Rules of 1968 and that powers of revision could not be exercised after a period of six months by DRM and thereafter, show cause notice was issued by the General Manager. Referring to provision under para no. 20 (e) of the master circular no. 67, counsel for respondent submitted that the General Manager South Eastern Railway is higher than the appellate authority and empowered to take suo-moto revision under Rule 25(5) of the Railway Servants (Discipline & Appeal) Rules, 1968. This fact is not disputed by counsel for petitioner.
12. Petitioner was served with charge memo, Charge leveled against the petitioner is extracted below for ready reference:-

“Article 1 : He submitted False Mark Sheet of ITI (Electrician Trade) to secure Employment.

Article 2 : He deceives Railway Administration and continuing duty till date.”

13. From perusal of the charge no. 1 it is apparent that petitioner procured employment on the basis of false(fake) mark sheet of ITI and second is that he deceived the department. Petitioner played fraud with the authorities by placing forged mark-sheet of ITI. Without ITI, petitioner could not have been appointed. It is not brought to the notice of this Court that the finding recorded by Enquiry Officer and accepted by Disciplinary Authority of false mark sheet is challenged in appeal. In the said facts of the case petitioner does not possess the qualification to retain the post on which he was appointed.
14. From the aforementioned facts of the case, it is apparent that initially the punishment was imposed by the disciplinary authority on 01.05.2019, based on the inquiry report submitted by the inquiry officer after detailed inquiry. The disciplinary authority has accepted the inquiry report wherein there is a finding recorded by inquiry officer that “ the marksheet based on which you had acquired employment, stands contradictory as the institution head Principal, Rajkiya Audyogik Prashikshan Sansthan Dighaghat, Patna, has stated that neither you have undergone any training during the year 1991-1993 in its institution nor they had issued any such certificate above produced by you.” And further held that “the petitioner is not holding/not having ITI as qualification. It is further observed that ITI mark-sheet submitted by you for acquiring job being fake which in no manner hold you eligible for execution of duty as Loco Pilot and also held the petitioner to be guilty for not maintaining absolute integrity” and, thereafter, passed an order of punishment of reduction of pay to initial stage in 7PC Level 6 for a period of 05 years. The finding recorded by the inquiry officer and

accepted by the disciplinary authority that the petitioner is not possessing the ITI qualification and mark-sheet produced is fake, the petitioner being ineligible, is not put to challenge by petitioner(herein) and therefore, the said finding recorded became final.

15. The case in hand is a case of playing fraud by the petitioner with respondent employer for securing employment on the basis of fake and forge mark-sheet of ITI. Had the petitioner not submitted the fake/forge mark-sheet of ITI, he would not have been appointed, because without it he was not possessing the requisite qualification.
16. In the facts of the case and in view of the Rules of 1968 the consideration of this Court is whether in the facts of the case, the revisional authority could have exercised the powers of revision after about two years from the date of issuance of order of punishment, and could have issued notice for enhancement of the punishment of the petitioner.
17. Hon'ble Supreme Court in case of **Santosh Kumar Shivgonda Patil and Ors vs. Balasaheb Tukaram Shevale & Ors** reported in **2009 Volume 9 SCC 359** had observed that ***"the order which was not obtained by any fraudulence cannot be set aside after 17 years by exercising suo moto powers. The Hon'ble Supreme Court has further held that ordinarily the reasonable period within which such power is to be exercised should be not more than three years but of course only in the exceptional circumstances."***
18. Hon'ble Supreme Court in case of **Ibrahimpattam Taluk Vyavasaya Coolie Sangham vs. Suresh Reddy and Ors.** reported in **2003 (7)**

SCC 667 has an occasion to consider the suo moto power exercised after 13-15 years and in para no. 22 and 23 upheld the decision of learned Single Judge which was affirmed by Division Bench of Andhra Pradesh High Court, holding it to be not within reasonable time and in one matter it was held that the fraud was played upon the Court in obtaining cancellation of certificate, hence the Sub Divisional Officer within the reasonable period from the date of detection of the fraud set aside the cancellation certificate and upheld the action of the Sub Divisional Officer holding that the suo moto powers were exercised within reasonable period. The order of learned Single Bench affirmed by Division Bench was up held by Apex Court.

19. In the decision relied upon by the learned counsel for the petitioner in case of **Ashok Kumar (supra)** passed by co-ordinate bench of this Court, in para no. 12 it is observed that where no time limit is prescribed in the statute, power has to be exercised within reasonable time and what will be the reasonable time will depend upon the facts of each case.
20. From the aforementioned decisions as referred above, it is clear that where no time limit for revision is prescribed then it has to be exercised within reasonable time. Hon'ble Supreme Court in one of the above referred decision has observed that the reasonable time normally would be three years. And further invoking of the revisional jurisdiction where no time limit is provided will depend upon the facts of each case.
21. In the case at hand as discussed above, there is a categorical finding recorded by the Inquiry Officer and accepted by the disciplinary

authority that the petitioner has produced forged ITI mark-sheet for obtaining employment and based on the evidence available on record that petitioner neither appeared in the ITI Course nor the mark-sheet is issued to him, had concluded that the petitioner is not possessing the requisite qualification and therefore, considered him as ineligible for appointment as Assistant Loco Pilot, passed order of punishment.

22. The revisional authority invoked the revisional powers as provided under the Rules of 1968 within the period of 02 years in the facts of the case cannot be said that the revisional powers has been exercised with inordinate delay making the action on the part of respondent as arbitrary and not sustainable. Hence we are of the considered view that the submission made by learned counsel for the petitioner is not sustainable, accordingly, it is repelled.
23. For the forgoing discussion, we do not find any error or infirmity in the order impugned warranting interference of this Court. Accordingly, the writ petition being devoid of substance is liable to be and is hereby **dismissed**.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Sd/-

(Sachin Singh Rajput)
Judge