



CGHC010373842026



2026:CGHC:42553-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7206 of 2026

D.K. Mishra S/o Shri B.D. Mishra Aged About 64 Years Retired As Helper Ii, Under SSE/ Signal/ SECR, Bhatapara, R/o Shanti Nagar, Sant Kanwar Ram Ward, Bhatapar, Post Bhatapara, Tehsil And Distt. Baloda Bazar Bhatapara, Chhattisgarh. 459004.

... Petitioner

versus

1 - Union Of India Through The General Manager, S.E.C. Railway, Bilaspur Zone, Headquarters Office, Bilaspur, 495004 Chhattisgarh.

2 - The Sr. Divi, Signal And Telecom Engineer S.E.C. Railway Raipur Division, DRM's Office, Raipur 492004 (Appellate And Revisionary Authority)

3 - The Asstt. Divisional Signal And Tele Engineer S.E.C. Railway, Raipur Division, DRM's Office, Raipur 492004 (Disciplinary Authority)

... Respondents

For Petitioner	:	Mr. AV Shridhar, Advocate
For Respondents /UOI	:	Mr. Ramakant Mishra, Deputy Solicitor General

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon'ble Mr. Santosh Sharma, Judge

Order on Board

Per : Krushna Ram Mohapatra, Chief Justice

30/09/2026

1. The Petitioner, in this writ petition, assails the Order dated 06th January, 2026 passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (for brevity 'the Tribunal') in Original Application No.203/00631/2018. By virtue of the impugned order under Annexure-

P/1, the learned Tribunal dismissed the Original Application, holding that the judicial review with regard to punishment imposed on the petitioner in disciplinary proceedings is not permissible when due procedures have been followed in conducting the disciplinary proceedings.

2. Learned counsel for the petitioner submits that based on certain allegations, disciplinary proceeding was initiated against the petitioner on five charges. An Enquiry Officer was appointed, who submitted his enquiry report on 28.4.2011, recommending transfer of the petitioner to avoid any untoward incident in future. The Disciplinary Authority, not being satisfied with the report, directed for fresh enquiry and accordingly an enquiry report was submitted by the Enquiry Officer with following findings:-

"ग: जाँच प्राधिकरी का निष्कर्ष-

* मेरा निष्कर्ष है कि श्री डी. के. मिश्रा, हेल्पर-II, मरोदा, अपने अनुपस्थिति को देख कर क्षणिक आवेश में आकर ही इस तरह की हरकत किया होगा। अन्यथा उसके सहकर्मियों के बयान से स्पष्ट है कि वह उसके बाद इस तरह की हरकत नहीं किया है और अपना काम लगन और निष्ठा से करता है। अतः आरोप गलत साबित होता है।

* मेरा निष्कर्ष है कि श्री डी. के. मिश्रा, हेल्पर-II, मरोदा का श्री के.ए. मधु, सिगनल अनुरक्षक, गुन्डरदेही के साथ काम काम को लेकर कुछ बहस हो गया होगा, उसके ड्यूटी के दौरान शराब पीने का कोई डाक्टरी रिपोर्ट नहीं हैं। मारपीट का भी कोई प्रमाण नहीं है। केवल ड्यूटी को लेकर बहस करने का आरोप साबित होता है। जिसके लिए उसे छोटा मोटा दण्ड दिया जा सकता हैं।

* मेरा निष्कर्ष है कि श्री डी. के. मिश्रा, हेल्पर-II, मरोदा पर लगाया गया आरोप सत्यापित नहीं होता हैं। यदि कोई प्राईवेट डाक्टर से मेडिकल रिपोर्ट ले कर आता हैं तो उसका रेलवे डाक्टर से मेडिकल परिक्षण करवाने के बाद

ही ड्यूटी में लेना चाहिए था, लेकिन ऐसा नहीं किया गया और श्री एस.एन. बोस, अनुभाग अभियंता, संकेत, भिलाई द्वारा अनुपस्थित कर दिया गया जो कि एक गम्भीर त्रुटि है। दिनांक: 24.06.2011 को भी जाँच प्राधिकारी के सामने ही मरोदा में उपस्थिति को ले कर बहस करते हुए देखा गया और पता चला की वहाँ पर चतुर्थ वर्ग के कर्मचारी को उपस्थिति रजिस्टर में हस्ताक्षर नहीं करने दिया जाता तथा मास्टर रोल में अनुरक्षक द्वारा ही उपस्थिति दर्ज किया जाता हैं, जो की समय पर नहीं किया जाता, यह एक गम्भीर त्रुटि है। उपस्थिति रजिस्टर का अनुरक्षण नहीं किया जा रहा हैं।

* मेरा निष्कर्ष है कि श्री डी. के. मिश्रा, हेल्पर-II, मरोदा पर लगाया गया आरोप सत्यापित नहीं होता हैं। यदि कोई किसी को जान से मारने की धमकी देता है तो यह स्थानीय पुलिस के जाँच का विषय हैं, और शराब पीने का कोई डाक्टरी परिक्षण नहीं करवाया गया हैं। इस केस फाईल के पेज क्रमांक: 11 के पत्र से पता चलता है, कि श्री जे. कृष्णा राव, उप स्टेशन प्रबंधक, गुण्डरदेही, का श्री डी. के. मिश्रा, हेल्पर-II, मरोदा के साथ पुरानी रंजिश हो सकती है, जिसके कारण श्री डी. के. मिश्रा, हेल्पर-II, मरोदा का एक बार पहले भी परिचालन विभाग से बर्खास्तगी हो चुकी हैं।

* मेरा निष्कर्ष है कि श्री डी. के. मिश्रा, हेल्पर-II, मरोदा पर लगाया गया आरोप सत्यापित नहीं होता हैं। श्री डी. के. मिश्रा, हेल्पर-II, मरोदा का बयान इस केस फाईल के पेज क्रमांक: 11 के पत्र से सही प्रतीत होता है। चूँकि गुण्डरदेही की महिलाओं को प्रतिपरिक्षा के लिए महिला होने के कारण नहीं बुलाया जा सका। वैसे भी किसी 12 वर्षीया बालिका का हाथ छेड़-छाड़ के नियत से पकड़ना संगीन जुर्म है, जिसे स्थानीय पुलिस जाँच की होगी और जाँच करने के बाद ही श्री डी. के. मिश्रा, हेल्पर-II, मरोदा को छोड़ी होगी। शराब पीने का कोई डाक्टरी रिपोर्ट नहीं हैं। अतः आरोप पुरी तरह गलत सिद्ध होता है।

* उपरोक्त तथ्यों को ध्यान में रखते हुए मेरा निष्कर्ष है कि श्री डी. के. मिश्रा, हेल्पर-II, मरोदा को वहाँ से स्थानांतरण (किसी इकाई कार्यालय में) कर दिया जाय जिससे उसे यह कहने का मौका भी न मिले की कोई उसके खिलाफ षणयंत्र कर रहा हैं, तथा सिगनल अनुरक्षण कार्य में लगे कर्मचारियों को किसी प्रकार का कोई व्यवधान भी ना हो, क्योंकि उसके वहाँ रहने से प्रत्येक दिन कोई ना कोई विवाद होता रहेगा।"

(emphasis supplied)

3. The Disciplinary Authority taking into consideration the observation made in the enquiry report, passed order of punishment on 16.08.11/19.09.11. By virtue of order of punishment, the Disciplinary Authority directed stoppage of three annual increments of the petitioner with cumulative effect. The petitioner being not satisfied with the order of punishment, preferred an appeal before Senior Divisional Signal and Telecom Engineer, SEC/Raipur, but the appellate authority confirmed the order of punishment of the Disciplinary Authority. In revision, the revisional authority reduced the punishment directing stoppage of two annual increments of the petitioner with cumulative effect vide Order dated 03.11.2017. Being aggrieved by the said order, the petitioner moved the learned Tribunal in OA No.203/00631/2018 and vide Order dated 06.01.2026, the impugned order was passed by the learned Tribunal. While adjudicating the matter, the learned Tribunal relied upon the judgment of the Hon'ble Supreme Court in **Union of India Vs. Parma Nanda** reported in **(1989) 2 SCC 177** and **B.C. Chaturvedi Vs. Union of India** reported in **(1995) 6 SCC 749** and came to a conclusion that power of interference by the Tribunal in an order of punishment imposed by the Disciplinary Authority in a disciplinary proceedings is very limited. The Tribunal cannot sit over the order of punishment as an appellate authority. The interference is permissible only when there is arbitrariness and perversity in the order of punishment or the punishment imposed is shockingly disproportionate to the charges established. Holding that the disciplinary proceeding was conducted in accordance with the procedure, giving opportunity of hearing to the petitioner, it was held by the learned Tribunal that the judicial review of the finding of the Disciplinary Authority is not

permissible and dismissed the Original Application. Being aggrieved, the petitioner filed this writ petition.

4. Learned counsel for the petitioner further submits that the punishment of stoppage of two annual increments with cumulative effect has been imposed on the petitioner only on the basis of surmises and conjectures. When the benefit of doubt was given to the petitioner by the Disciplinary Authority, he should not have been imposed with major punishment. It is his submission that save and except the fact that the petitioner was argumentative with the colleagues and creates disturbance in the official course of business, no charge is proved against him. Thus, the vital charges, being not proved against the petitioner, he should not have been imposed with the punishment and should have been exonerated from the charges. This material aspect was lost sight of by the learned Tribunal while adjudicating the matter. Learned counsel for the petitioner also drew attention of the Court to the findings of the Enquiry Officer, who submitted the first enquiry report and submitted that only the petitioner was suggested to be transferred to avoid any untoward incident in future. The report of the second enquiry officer also suggests that the petitioner should be transferred from the place of posting to avoid any further controversy. However, without accepting the same, the Disciplinary Authority imposed major punishment. When the Disciplinary Authority was in disagreement with the observations of the Enquiry Officer, the reasons of such disagreement should have been mentioned in the order of punishment which is conspicuously absent therein. It is further submitted that the imposition of punishment of stoppage of two increments with cumulative effect is shockingly disproportionate to the

charge proved. As such, the entire process of imposition of punishment is vitiated and both the order of punishment as well as the order of the learned Tribunal are liable to be set aside.

5. Mr. Ramakant Mishra, learned Deputy Solicitor General, vehemently object the same and submits that the disciplinary proceeding was conducted in accordance with the rules, providing due opportunity of hearing to the petitioner. Since the petitioner has not challenged the initiation of the second enquiry and participated with the same, which was conducted observing all the formalities in accordance with law, he should not have raised any objection with regard to the finding therein. The Enquiry Officer should not have suggested any punishment. However, the Disciplinary Authority was not in disagreement with the finding of the second enquiry report and relied upon charge proved. Further, the punishment imposed by the Disciplinary Authority was subsequently modified by the revisional authority. Thus, the petitioner should not have any complaint against the order of punishment. It cannot also be said that the order of punishment is shockingly disproportionate to the charges proved. Since the petitioner was argumentative and creating disturbance in the official course of business, which has been proved in the second enquiry report, the Disciplinary Authority relying upon the same, imposed punishment. In addition to the above, there is no illegality and perversity in the process of imposition of punishment. He, therefore, submits that the learned Tribunal has committed no error in dismissing the Original Application. As such, the order impugned under Annexure-P/1 should not be interfered with.
6. Taking note of submission made by learned counsel for the parties and

on perusal of the record, it appears that the Disciplinary Authority was not in disagreement with the second enquiry report submitted by the Enquiry Officer. In the first enquiry report the Enquiry Officer, giving benefit of doubt to the petitioner, suggested for his transfer. The Disciplinary Authority not being satisfied with the enquiry report, directed for a second enquiry and the second enquiry report was submitted holding the petitioner guilty of only one charge; holding that the charge of creating disturbance in the official course of business and quarreling with the colleagues has been proved. The Disciplinary Authority taking note of the same, held it to be serious one and imposed major penalty. The Disciplinary Authority was never in disagreement with the observation made in the second enquiry report. He has also discussed the observation of the second enquiry report and said that the petitioner was given benefit of doubt by the second Enquiry Officer in respect of rest of the charges. It also reveals that the imposition of the punishment was interfered by the revisional authority by reducing it to *two increments with cumulative effect*. Thus, we find no perversity either in the process of enquiry or in the process of imposition of punishment. When the Disciplinary Authority was not in disagreement with the observation made by the Enquiry Officer, no reason is required to be assigned by the Disciplinary Authority. We also find that the order of punishment is not shockingly disproportionate to warrant interference by this Court. Further, this Court should not interfere with the order of punishment and/or the order passed by the Tribunal, only because a second view may be possible on re-assessment of materials on record.

7. We perused impugned order under Annexure-P/1 meticulously and found that there is no perversity in it. The same is well discussed one relying upon the settled principle of law. Thus, the impugned order under Annexure-P/1 warrants no interference. Accordingly, this writ petition, being devoid of any merit, is **dismissed**.

Sd/-

(Santosh Sharma)

Judge

Sd/-

(Krushna Ram Mohapatra)

Chief Justice