2026:AHC:187540-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 13382 of 2026

Harkhoo Ram (Since Died)

.....Petitioner(s)

Versus

Union of India and 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shyam Sundar Pal, Vinod Kumar
Counsel for Respondent(s)	:	A.S.G.I., Shiv Kumar Pal (Dy.S.G.I.)

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE ARUN KUMAR, J.

1. This writ petition is directed against order dated 26.05.2026 passed in Original Application No. 502 of 2015 (for short 'O.A.'), whereby the O.A. filed by the petitioner's father Harkhoo Ram against orders imposing punishment dated 26.05.2014/29.05.2014, appellate order dated 14.08.2014 and revisional order dated 16.12.2014, has been dismissed.

2. The petitioner Harkhoo Ram was appointed on a Group-D post on 12.03.1979 and was ultimately promoted to the post of Shunting Master Grade-II in the pay band of Rs.5200-20200/- with grade pay of Rs.2400/-.

3. Whereafter, he became eligible for further promotion to the post of Shunting Master Grade-I for which departmental written examination was required. Out of 125 eligible candidates, 41 were declared successful out which 30 candidates were empanelled for promotion to the post of Shunting Master-I. The petitioner appeared in the examination, qualified the same successfully and was empanelled for promotion, where he assumed charge.

4. The petitioner was served with a charge sheet dated 28.10.2013 alleging use of unfair means in the departmental examination, whereby he got his answer book written by another candidate, namely Triveni Shanker Shukla. After receipt of charge sheet, the petitioner submitted his reply denying the allegations, leading to appointment of an Inquiry Officer, who conducted the inquiry and submitted his report to the disciplinary authority.

5. The disciplinary authority, by order dated 26.05.2014, imposed punishment reverting the petitioner to the post of Shuntman on initial pay and ordered for recovery of all the financial benefits from the date he got selection to the post of Shunting Master-I. The order dated 26.05.2014 was followed by an order dated 29.05.2014 elaborating the punishment, which reads as under:

> "He is permanently reduced from the post of Shunting Master-II (GP Rs.2400/-) to a lower time scale of pay, grade, post of Shuntman -II on initial pay in G.P. Rs.1800/- without any restoration to the grade or post from which he is reduced. Further, recovery of all the financial benefits from the date of his promotion to the post of Shunting Master -II to be made from his settlement dues."

6. Feeling aggrieved, appeal was filed which came to be dismissed and revision also came to be dismissed by the competent authority. Feeling aggrieved, the present O.A. was filed.

7. The Tribunal, after hearing the parties, came to the conclusion that the petitioner admitted his guilt in his reply dated 11.11.2013 and during the course of inquiry proceedings held on 29.04.2014. The inquiry was conducted in the presence of the petitioner and his defence helper, and the findings were further supported by the report of the Central Forensic Science Laboratory which confirmed that the answer sheet was written by another person, namely Triveni Shanker Shukla and finding that there was no illegality or violation of natural justice during the course of inquiry, the O.A. was dismissed.

8. Learned counsel for the petitioner attempted to make submissions that the Tribunal was not justified in dismissing the O.A. Submissions were made that the inquiry officer had ordered for withdrawal of the charge sheet and once the charge sheet was withdrawn, no punishment could have been imposed.

9. Further submissions were made that two punishments were imposed whereby, besides reverting the petitioner from Shunting Master-I to Shunting Master-II, he has been reverted to the position of Shuntman, which is not justified. Submissions were sought to be made that the

petitioner had clearly indicated that he had given blank answer sheet during the course of written examination, however, the DOM got the same written by Triveni Shanker Shukla and as such the petitioner could not be blamed for the same.

10. Submissions were also sought to be made that the orders passed by the appellate and revisional authorities were non speaking and, therefore, the entire procedure adopted by the respondents being vitiated, the orders impugned deserve to be set aside. It is pointed out that the petitioner Harkhoo Ram died and now the present petition is being prosecuted by his son.

11. Learned counsel for the respondents supported the orders impugned. Submissions were made that admission of wrongdoing is writ large and, therefore, no interference is called for in the present proceedings.

12. We have considered the submissions made and have perused the material available on record.

13. In response to the charge sheet, the petitioner claimed as under:

> "(3) It is, infact, true that I had appeared in written test on 04.09.2010 with the hope that objective type of questions only will be asked and it will be possible for me to tick the right answers.
>
> (4) When I received answer book on 04.09.2010 consisting subjective type of questions, had deposited the same after writing name, Design, & pay only in blank condition as directed by DOM/Mgs who was conducting the examination.
>
> (5) The above fact has already by been accepted by me at Hajipur before CVs on 14.11.2011 that answer book was not written by me. When and by whom the same was written, is not known to me.
>
> 6. There was neither any pre-planning and malafied intention of mine nor I had been appeared in written examination with ulterior motive. How ever respective DOM was simply requested by me for help on account of my sincerity, loyality and good working knowledge of shunting Master. As such I have not done any irregularity. So charge of ommission and

> commission against me including contravening Rules 3 -I (i) (ii) (iii) of railway service conduct rule 1966 can not be imposed.
>
> It is therefore prayed that you will be kind enough to exempt me from the charges for which I shall ever pray."

14. Before the inquiry officer, the petitioner appeared along with his defence help and was supplied the relied on documents which inter alia included his answer sheet, answer sheet of Triveni Shanker Shukla and CFSL report. The petitioner stated that he understood the charge and made unconditional confession based on which the inquiry officer observed as under:

> "Since the CO has now unconditionally pleaded guilty to the charge levied, the inquiry is terminated forthwith as the charge is established.
>
> The inquiry is over and all withdrew."

15. A perusal of above would reveal that the petitioner unequivocally admitted the wrongdoing whereby, in the written examination, his answer sheet was written by Triveni Shanker Shukla based on which he got empanelled and promoted. The allegation made was that the petitioner had supplied blank answer sheet, however, the DOM looking to his sincerity, loyality and good working knowledge of Shunting Master, got the answer sheet written by Triveni Shukla are, to say the least, preposterous. Before the inquiry officer, he unconditionally pleaded his guilt to the charge levied, based on which inquiry was terminated holding the charge established. Whereafter the inquiry officer observed that the inquiry is over and 'all withdrew'. The phrase 'all withdrew' essentially pertains to those who were participating in the inquiry i.e. I.O., Presenting Officer, Charged Officer and defence help and the said withdrawal had nothing to do with the charge sheet or the charges and the interpretation put by the petitioner in this regard also is absolutely baseless.

16. So far as the submissions made regarding double punishment is concerned, the said plea also is baseless, inasmuch as once it was found that the petitioner had not written the answer sheet, his promotion based on marks obtained therein was bound to be reversed and thereafter, for the

misconduct, he was required to be visited with a penalty and therefore, insofar as the penalty is concerned, the same is only one, i.e. reversion as Shuntman-II, other one is only cancellation of result, which was obtained by fraud.

17. So far as the orders passed by the appellate and revisional authorities are concerned, a bare look at the memo of appeal would reveal that there has been no challenge to the finding, only assertions pertaining to the unconditional confession of guilt, seeking to be forgiven and setting aside of punishment have been made and therefore, there was nothing for the appellate and the revisional authorities to deal with.

18. In view thereof, the plea raised regarding the nature of order passed also has no substance.

19. In view of above discussion, no case for any kind of interference is made out in the present writ petition, the same is, therefore, dismissed

(Arun Kumar,J.) (Arun Bhansali,CJ.)

September 8, 2026
RK/

Digitally signed by :-
RAJESH KUMAR
High Court of Judicature at Allahabad