

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6654 of 2017**

Akchhya Lal Das @ Akshay Lal Das of son of late M.L. Das, Ex-Office Superintendent Grade-I, under Deputy Chief Material Manager, Eastern Railway, Jamalpur(Bihar)

... .. Petitioner/s

Versus

1. The Union Of India through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Kolkata-700001.
2. The Chief Works Manager, Eastern Railway Workshop, Jamalpur Bihar.
3. The Deputy Chief Material Manager, Eastern Railway Workshop, Jamalpur Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Munna Pd Dixit M.P. Dixit

For the Respondent/s : Mr.Pradeep Kumar

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE PURNENDU SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 13-12-2022**

The petitioner has assailed the order of the Central Administrative Tribunal, Patna Bench, Patna for short CAT(Tribunal).

The petitioner joined respondent-Railway Department as a Group-D employee and he has earned promotions up to the level of Office Superintendent Grade-I in the pay scale of Rs. 6,500-10,500 and he was subjected to disciplinary proceedings while framing the two charges on 06.12.2001, the petitioner denied the charges and submitted his reply on 13.12.2001. Disciplinary Authority was not satisfied with the petitioner's reply and proceeded to conduct inquiry, on 25.11.2003, Inquiring Officer submitted his report holding that the charge no. 1 is proved and charge no. 2 is not proved. Based



on the inquiry records Disciplinary Authority proceeded to impose the penalty of reversion from the post of Office Superintendent Grade-I to that of Head Clerk in the pay scale of Rs. 5,000-8,000 while fixing his pay at Rs. 6,650. Order of reversion was a subject matter of appeal before the Appellant Authority and it was rejected on 25.06.2005. In the result, petitioner has filed O.A No. 537 of 2005 and it was decided in his favour on 01.08.2012 while remanding the matter to the Appellate Authority to decide petitioner's memorandum of appeal afresh. Thereafter, Appellate Authority passed afresh order on 27.11.2012, once again petitioner invoke remedy before the Tribunal in filing O.A. No. 1025 of 2012. The Tribunal rejected the Original Application filed by the petitioner, hence the present petition in so far as challenging the order of the Tribunal dated 19.12.2016 passed in O.A. No. 1025 of 2012.

Learned counsel for the petitioner vehemently contended that Shri P.K. Mishra who was cited as a witness in support of charge no. 1 has not been examined therefore, charge no. 1 which has been held to be proved by the Inquiring Officer and confirmed by the next higher authorities is liable to be set aside. It is further submitted that imposition of penalty of reversion from the post of Office Superintendent Grade-I to that



of Head Clerk would be too harsh having regard to the alleged charge levelled against the petitioner.

*Per contra* learned counsel for the respondent resisted the aforesaid contentions and submitted that there is no infirmity in the inquiry the alleged charge relating to charge no. 1 is proved with reference to documentary and other material information. Petitioner being Office Superintendent Grade-I had not maintained the records in terms of work attached to the Office Superintendent Grade-I post. It is also submitted that the Tribunal has taken note of dates and events and proceeded to dismiss the O.A. hence no interference is called for.

Heard the learned counsel for the respective parties.

Petitioner while working as Office Superintendent Grade-I he was subjected to disciplinary proceedings and two charges were framed. The Inquiring Officer held that charge no. 1 is proved and charge no. 2 is not proved. Disciplinary Authority imposed the penalty of reversion and it was confirmed by the Appellate Authority and it was subject matter of O.A. No. 537 of 2005 and it was decided on 01.08.2012 while remanding the matter to the Appellate Authority, the Appellate Authority passed a fresh order on 27.11.2012, while



confirming the order of reversion dated 05.08.2004.

Learned counsel for the petitioner submitted that one witness by name Shri P.K. Mishra has not been examined, his clarificatory statement is at serial no. 15 recorded on 21.06.2000, therefore, to that effect there is lacuna in the inquiry. The aforementioned contention cannot be appreciated for the reasons that list of documents in respect of charge no. 1 is about twenty two documents, among twenty two documents one of the document is relating to clarificatory statement made by the Shri P.K. Mishra therefore, merely non-examination of Shri P.K. Mishra in so far as, clarificatory statement at serial no. 15 dated 21.06.2000, the entire charge memo and consequential inquiry proceedings cannot be interfered for the reasons that other documents and witnesses have adduced evidence in the inquiry, which suffice to hold that the charge levelled against the petitioner was proved.

The other contention is that imposition of penalty of reversion from the post of Office Superintendent Grade-I to Head Clerk is harsh. Having regard to the fact that only one charge is proved cannot be appreciated for the reasons that there were serious lapses on the part of the petitioner in not carrying out necessary work with reference to number of requisitions and



tender case number which have been cited in Annexure-3 to the charge memo and list of documents. It is not an isolated case that petitioner has failed to carry out necessary work with reference to stock and non-stock statement in his office. Therefore, we are of the opinion that it is not a case for remanding the matter for modification of penalty of reversion from the post of Office Superintendent Grade-I to Head Clerk. Further we noticed that there is no error committed by the Tribunal so also the learned counsel for the petitioner has not apprised this Court as to what extent the Tribunal has committed error.

In view of these facts and circumstances the petitioner has not made out a case so as to interfere with the order of the Tribunal read with the imposition of penalty of reversion and its affirmation by the Appellate Authority.

**(P. B. Bajanthri, J)**

**( Purnendu Singh, J)**

Niraj/aditya

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