

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2303 of 2020

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Bali Roy son of Late Manak Roy, Resident of village- Santha, P.O.- Saidpur,
P.S.- Awatar nagar and the District- Saran.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The Chairman, the Railway Board, New Delhi.
3. The General Manager, the East Central Railway at Hazipur, District- Vaishali.
4. The Divisional Railway Manager, East Central Railway at Sonpur, District- Saran.
5. The Divisional Engineer, Sonpur Railway Division, East Central Railway at Sonpur, District- Saran.
6. The Senior Divisional Engineer, Sonpur Railway Division at Sonpur, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate
For the Respondent/s : Ms. Punam Kumari Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-07-2022

In the instant petition, petitioner has assailed the order dated 07.03.2019 passed in O.A. No. 050/00559/2015 by the Central Administrative Tribunal, Patna Bench, Patna.

2. The petitioner was subjected to disciplinary proceedings and it was concluded in imposition of penalty of stoppage of one increment of one year on 16.09.2014 and it was confirmed by the appellate authority on 23.04.2015. Thus, he had filed Original Application before the Central Administrative



Tribunal. The Tribunal dismissed the Original Application filed by the petitioner on 07.03.2019. Thus, the present petition.

3. Learned counsel for the petitioner vehemently contended that the disciplinary authority has misused/ abused blank signed paper by the petitioner in respect of admission of the alleged charge. Therefore, imposition of penalty with reference to alleged admission of the petitioner is not true and the same cannot be taken note of in upholding the order of disciplinary and appellate authority and order of the tribunal.

4. Per contra, learned counsel for respondent resisted the aforesaid contention and submitted that the aforesaid contention of the petitioner that disciplinary authority has misused the blank signed paper of the petitioner is only an after thought for the reasons that the aforesaid contention has not been raised against the second show cause notice before imposition of penalty and further in memorandum of appeal before the appellate authority. That apart, petitioner should have impleaded such officer by name who had alleged to have misused blank signed paper of the petitioner. Therefore, no opportunity is given to the concerned officer-Disciplinary Authority. Therefore, the aforesaid contention of the petitioner is not maintainable and no interference is called for in respect of order of disciplinary, appellate authority and order of the tribunal.



5. Heard learned counsels for respective parties.

6. Short question for consideration in the present petition is whether order of the disciplinary, appellate authority and tribunal order could be interfered with or not?

7. Undisputedly, the petitioner has admitted the charge levelled against him and it was signed by him. Even though petitioner is disputing that the disciplinary authority has misused the singed blank paper of the petitioner. At the same time, such contention has not been taken by the petitioner immediately as and when such admission of the charge was taken note of by the disciplinary authority at various stages and before the appellate authority.

8. In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

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CAV DATE	
Uploading Date	28.07.2022
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