

09.
19.9.2023
S.D.

W.P.A. 20346 of 2023

Ardhendu Roy
Vs.
The South Eastern Railway & Ors.

Mr. Anjan Bhattacharya
Md. Kutubuddin
Ms. Tajiya Khatun
Mr. Swarnava Banerjee
Mr. Subham Saha

..For the Petitioner

Mr. Sanajit Kumar Ghosh
Ms. Rashmi Bothra

...For the Respondents

In the present writ petition, the petitioner who was **removed** from service by the order of the Appellate Authority dated January 30, 2019 and the order of the Revisional Authority dated March 26, 2019 are under challenge.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioner submits that initially the petitioner was awarded the punishment of "*reduction of rank*" for three years by the Disciplinary Authority but the Appellate Authority enhanced the penalty passed by the Disciplinary Authority.

The Revisional Authority held that the petitioner has admitted his guilt and connivance with the other members of the staff in stealing non-ferrous railway materials during the period of duty.

Therefore, the Revisional Authority did not interfere with the order passed by the Appellate Authority.

Upon perusal of the records, this Court finds that the order of the Appellate Authority as well as the Revisional Authority were passed upon admission of guilt by the petitioner as well as analysis of the documents.

Therefore, this Court finds no merit in the writ petition and such petition should be nipped in the bud following the Apex Court's judgment reported in (1977) 4 SCC 467 (**T. Arivandandam vs. T.V. Satayapal & Anr.**)

Accordingly, **W.P.A. 20346 of 2023** is **dismissed**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)